
Civil Rights & Judiciary Committee

HB 1489

Brief Description: Creating a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay.

Sponsors: Representatives Goodman, Frame, Appleton, Valdez, Walen and Jinkins; by request of Attorney General.

Brief Summary of Bill

- Authorizes the Administrative Office of the Courts to establish a unified payment plan system for the consolidation of multiple traffic-based financial obligations.

Hearing Date: 2/15/19

Staff: Ingrid Lewis (786-7289).

Background:

A failure to follow the rules of the road, and equivalent local laws, is a traffic violation that falls into two general categories: traffic infractions and criminal offenses. Municipal and district courts have jurisdiction over civil traffic infractions, misdemeanors, and gross misdemeanors.

Traffic Infractions.

Traffic infractions are noncriminal offenses for which jail time cannot be imposed. A notice of traffic infraction represents a determination that an infraction has been committed; this determination is final unless the person requests a hearing to contest the infraction. The penalty for a traffic infraction is a fine; if a person either fails to pay the fine or appear at a requested hearing, the court must enter an order assessing the monetary penalty prescribed for the infraction. The penalties are immediately payable and are enforceable as civil judgments.

A person found to have committed a traffic infraction may be permitted to enter into a payment plan on the penalty assessed if the court determines that a person is unable to pay an obligation in

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full, and not more than one year has passed since the obligation was due. Exceptions are if the person was previously granted a payment plan on the obligation or the person is out of compliance with another payment plan.

The Department of Licensing will suspend all driving privileges of a person when the department receives notice from a court that the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation.

Some local jurisdictions offer relicensing programs that enable drivers whose licenses are suspended for delinquent traffic fines to consolidate their fines into a payment plan and have their licenses reinstated.

Traffic Offenses.

Criminal traffic offenses 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.

Administrative Office of the Courts.

The Administrative Office of the Courts develops and implements uniform systems, policies, and administrative methods for the state's judicial system.

Summary of Bill:

The Administrative Office of the Courts (AOC) is authorized to establish a program for the consolidation of traffic-based financial obligations to assist eligible participants in getting a driver's license reinstated after a suspension due to failure to comply with a traffic-based financial obligation. The AOC may adopt rules necessary to administer the program and govern payment plans offered by the program and use collection entities for the purposes of administering the payment plan system.

A person is eligible to participate in the program if:

- the person has had or is at risk of having a driver's license suspended due to a failure to respond to a notice of a traffic infraction, appear at a hearing, or comply with the terms of a notice;
- the person is subject to multiple existing orders; and
- the person has not previously been granted a payment plan on the obligation or defaulted on another payment plan.

Program participants may be assessed an administrative fee to support administration of the program.

The AOC must notify relevant courts of a person's participation in the program. The relevant court shall notify the Department of Licensing of the adjudication of the infraction or case and driving privileges may be reinstated provided that the participant successfully complies with the terms of the payment plan.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2021.