

SENATE BILL REPORT

SB 6284

As of February 7, 2012

Title: An act relating to reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

Brief Description: Reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

Sponsors: Senators Kline, Harper, Litzow, Kohl-Welles, Keiser and Hargrove.

Brief History:

Committee Activity: Judiciary: 1/25/12, 2/01/12 [DPS, DNP, w/oRec].
Transportation: 2/06/12.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Hargrove, Kohl-Welles and Regala.

Minority Report: Do not pass.

Signed by Senator Padden.

Minority Report: That it be referred without recommendation.

Signed by Senator Pflug, Ranking Minority Member.

Staff: Katherine Taylor (786-7434)

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: The Department of Licensing (department) 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

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written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation.

If a payment required to be made under a payment plan is delinquent, the court will notify the department of the person's failure to meet the conditions of the plan, and the department will suspend the person's driver license until all monetary obligations have been paid, and court authorized community restitution has been completed.

An applicant for an occupational license whose driver license is suspended for failure to respond, pay, or comply with a notice of traffic infraction or conviction must enter into a payment plan with the court.

Whenever any person served with a traffic citation willfully fails to appear for a scheduled court hearing, the court in which the defendant failed to appear will promptly give notice of such fact to the department. When the case in which the defendant failed to appear is adjudicated, the court hearing the case will promptly file with the department a certificate showing that the case has been adjudicated.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): Whenever any person served with a traffic citation willfully fails to respond to a notice of traffic infraction for a moving violation, fails to appear at a requested hearing for a moving violation, violates a written promise to appear in court for a notice of a moving violation, or fails to comply with the terms of a moving violation, the court in which the defendant failed to appear promptly gives notice of such fact to the department.

Whenever a monetary penalty or other monetary obligation is imposed, it is immediately payable and is enforceable as a civil judgment. If a payment required to be made under the payment plan is delinquent, the court may refer the unpaid monetary penalty or other monetary obligation for civil enforcement until all monetary obligations have been paid. For those infractions (moving violations) subject to suspension under the department's authority, the court notifies the department of the person's failure to meet the conditions of the plan, and the department suspends the person's driver's license or driving privileges.

An applicant for an occupation license whose driver license is suspended for failure to respond, pay, or comply with a notice of traffic infraction or conviction, is no longer required to enter into a payment plan with the court.

The department, along with the Washington State Patrol, Office of Public Defense, and Associated Office of the Courts, must adopt and maintain rules by November 1, 2012, that define a moving violation. Upon adoption of these rules, the department must provide written notice to each of the following:

- affected parties;
- Chief Clerk of the House or Representatives;
- Secretary of the Senate;
- the Office of the Code Reviser; and
- anyone else deemed appropriate by the department.

Except for the section of the act pertaining to adopting and maintaining rules, the rest of the act takes effect 30 days after the rules defining a moving violation are adopted.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): The department, along with the Washington State Patrol, Office of Public Defense, and Associated Office of the Courts, must adopt and maintain rules by November 1, 2012, that define a moving violation. Upon adoption of these rules, the department must provide written notice to each of the following:

- affected parties;
- Chief Clerk of the House or Representatives;
- Secretary of the Senate;
- the Office of the Code Reviser; and
- anyone else deemed appropriate by the department.

Except for the section of the act pertaining to adopting and maintaining rules, the rest of the act takes effect 30 days after the rules defining a moving violation are adopted.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony as Heard in Committee (Judiciary): PRO: This bill will save money, preserve jobs, and help alleviate poverty. Many people are living in poverty. Many of our residents drive to work, and if their licenses are suspended, these people are put in a difficult position. The current law costs a lot of money to enforce. There is no link between public safety and failure to pay fines. If you get a non-moving violation, your license won't be suspended. If you get a moving violation, your license can still be suspended, which is important.

OTHER: People who get moving violations should have their licenses suspended because they are dangerous and cost the state a great deal of money when they get into accidents. We want to save money and lives. We need to hold people accountable who commit moving violations. Some technical changes should be made. We just want to make sure that the definition of moving violations is clear for the courts to enforce.

Persons Testifying (Judiciary): PRO: Darby DuComb, Seattle City Attorney; Mitch Barker, WA Assn. of Sheriffs and Police Chiefs.

OTHER: Jason Berry, WA State Patrol; Kevin Underwood, WA Collector Assn.

Staff Summary of Public Testimony (Transportation): PRO: I have been working on this issue for over 7 years now. DWLS 3 is a burden on the court system, but also a burden on people who simply can't pay. This bill doesn't help everybody, but it certainly helps a good

portion of people without jeopardizing public safety . It is estimated to save local governments \$36 million in court time, prosecutor time and jail time. Seattle has voluntarily implemented this policy and was able to save \$212,000 last year. A state wide solution is necessary so that all drivers are treated the same. This bill is not about criminal offenses. This is about not suspending someone's license for a non-moving violation. If someone is caught driving while their license is suspended, they will not be treated differently under this bill. This is about whether the department suspends for non-safety related actions. This has a tremendous positive local fiscal impact and is a huge benefit to the locals.

CON: We oppose the bill before you. We wish we didn't have to. The way this bill has evolved has not included all the stakeholders. I think this needs a lot of work and urge you not to pass this.

OTHER: We still have concerns about how this bill is going to play out. We agree that there is a reduced safety impact by trying to focus on a particular category of these drivers. What our concern continues to be is to make sure that we are able to affect driving behavior in the future if needed by suspending someone's license. We would prefer that the Legislature articulate in statute what a moving violation is, rather than have this group get together to try to define it by rule. The group seems designed to fail with the current membership. The local court concern is that there ought to be more guidance given to DOL and this group on what a moving violation should be. We also have some concerns about criminal traffic violation suspensions and want to make sure that you are aware of this issue.

Persons Testifying (Transportation): PRO: Senator Kline, prime sponsor; Sumeer Singla, Seattle City Attorney's Office

CON: Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers

OTHER: Jason Berry, Washington State Patrol; Mitch Barker, Washington Association of Sheriffs and Police Chiefs