
HOUSE BILL 1489

State of Washington

66th Legislature

2019 Regular Session

By Representatives Goodman, Frame, Appleton, Valdez, Walen, and Jinkins; by request of Attorney General

Read first time 01/23/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to creating a program for the consolidation of
2 traffic-based financial obligations to facilitate reinstatement of
3 driving privileges that are suspended because of failure to pay;
4 amending RCW 46.63.110; adding a new section to chapter 46.63 RCW;
5 adding a new section to chapter 46.64 RCW; creating a new section;
6 and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that suspension of
9 driving privileges is a consequence when a person fails to pay
10 certain civil or criminal traffic fines. The legislature also finds
11 that the failure to pay fines is sometimes caused by a person's
12 inability to pay all outstanding financial obligations at once.
13 Moreover, creating and maintaining an affordable payment plan to
14 satisfy such outstanding obligations can be complicated when a person
15 faces fines from multiple jurisdictions simultaneously, especially if
16 such jurisdictions use different entities for collection services.
17 The legislature desires to establish an efficient and economical
18 means by which persons with suspended driving privileges due to
19 unpaid fines in multiple jurisdictions can consolidate the unpaid
20 fines into a single affordable payment plan, which will allow persons
21 to reinstate their driving privileges while still holding them

1 responsible for their unlawful behavior and accountable for payment
2 of the fines imposed.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63
4 RCW to read as follows:

5 (1) There is created a program for the consolidation of traffic-
6 based financial obligations from multiple courts of limited
7 jurisdiction into a consolidated payment plan, to provide a path for
8 the reinstatement of driving privileges that are suspended because of
9 failure to comply with the terms of a notice of traffic infraction,
10 criminal complaint, or citation for a moving violation.

11 (a) The program created by this section shall be managed by the
12 administrative office of the courts, which shall have authority
13 equivalent to courts of limited jurisdiction as provided in RCW
14 3.02.045 to use one or more attorneys or collection agencies for the
15 collection of outstanding traffic-based financial obligations, use
16 credit cards or debit cards for purpose of billing and collecting
17 unpaid traffic-based financial obligations, and assess as court costs
18 the moneys paid for remuneration for services or charges paid to
19 collecting attorneys, collection agencies, or, in the case of credit
20 cards, financial institutions.

21 (b) The administrative office of the courts shall develop an
22 application form to be used by applicants for the program created by
23 this section, and shall consider input from the Washington state
24 district and municipal court judges' association and a statewide
25 association representing collection agencies in the development of
26 the application.

27 (c) The administrative office of the courts may assess
28 participants of the program created by this section an administrative
29 fee up to the amount allowed under RCW 46.20.341(2)(e). The fee
30 hereby authorized is not subject to chapters 3.50, 3.62, and 35.20
31 RCW, and shall be used by the administrative office of the courts to
32 support management and administration of the program.

33 (d) The administrative office of the courts may adopt rules that
34 are necessary or convenient for purposes of administering this
35 section.

36 (2) A person qualifies for entry into the program created by this
37 section if:

38 (a) That person's driving privileges have been suspended pursuant
39 to RCW 46.20.289 or that person has received a notice as provided in

1 RCW 46.20.245 of a proposed suspension of driving privileges pursuant
2 to RCW 46.20.289;

3 (b) That person has unpaid traffic-based financial obligations
4 imposed by two or more different courts of limited jurisdiction, each
5 of which could independently serve as a continuing basis for
6 suspension of driving privileges until the department receives
7 certification from the appropriate court that the case has been
8 adjudicated; and

9 (c) That person is not otherwise ineligible because:

10 (i) The person has been removed from the program created by this
11 section for failing to comply with the terms of a payment plan more
12 than twice in the thirty-six month period preceding the date of
13 application; or

14 (ii) The unpaid traffic-based financial obligations from
15 different jurisdictions have been referred to the same collecting
16 attorney or collection agency, which is offering payment plan terms
17 equivalent to the payment plan offered under the program created by
18 this section.

19 (3) Any person qualifying for the program created by this section
20 may enter the program by completing the application developed under
21 subsection (1) of this section, submitting the application to the
22 program administrator as designated by the administrative office of
23 the courts, entering into a payment plan with the program
24 administrator, and making the first payment as required under said
25 payment plan.

26 (4) Upon a person entering the program as provided in subsection
27 (3) of this section, the program administrator shall promptly notify
28 the relevant courts to which the program participant owes traffic-
29 based financial obligations to inform the courts of the participant's
30 entry in the program. Upon receiving notice that a person has entered
31 the program created by this section, the court shall promptly notify
32 the department that the infraction or case for which the participant
33 owes traffic-based financial obligations has been adjudicated.

34 (5) While participating in the program created by this section, a
35 participant must make regular monthly payments pursuant to the
36 payment plan he or she entered into with the program administrator.

37 (a) The administrative office of the courts shall establish rules
38 governing payment plans offered by the program created by this
39 section.

1 (b) Provided a participant continues to comply with the terms of
2 the payment plan, the participant may remain in the program created
3 by this section until such time that all traffic-based financial
4 obligations subject to consolidation are paid in full.

5 (c) Payment plans shall set out the conditions under which a
6 failure to comply with said terms will result in termination from the
7 program.

8 (6) While the participant is participating in the program created
9 by this section, unpaid accrued interest on the participant's
10 traffic-based financial obligations subject to consolidation under
11 the program shall be provisionally suspended.

12 (a) If a participant successfully completes the program by making
13 all required payments and otherwise meeting the terms of the payment
14 plan, all provisionally suspended unpaid accrued interest on the
15 traffic-based financial obligations subject to consolidation under
16 the program shall be waived.

17 (b) If a participant is removed from the program, all
18 provisionally suspended unpaid accrued interest on the traffic-based
19 financial obligations subject to consolidation under the program
20 shall be reinstated.

21 (c) Nothing in this section shall be interpreted to limit a
22 court's ability to independently waive, reduce, or suspend a portion
23 or all of a fine or penalty.

24 (7) If a participant is removed from the program created by this
25 section, the program administrator shall promptly notify the relevant
26 courts to which the program participant still owes traffic-based
27 financial obligations. Upon receiving the notice that the participant
28 was removed from the program, the court shall promptly notify the
29 department of the person's failure to meet the conditions of the
30 payment plan, and the department shall suspend the person's driving
31 privileges.

32 (8) Notwithstanding any other provision in this section, a
33 traffic-based financial obligation shall not be eligible for
34 consolidation under the program created by this section if a legal
35 proceeding, such as garnishment, has commenced to collect the
36 delinquent traffic-based financial obligation owed by the person,
37 unless the court, in its discretion, authorizes the debt's inclusion
38 in the unified payment plan system pursuant to its authority under
39 RCW 46.63.110(9).

1 (9) Payments made to the administrator of the program created by
2 this section shall first be applied to administrative fees associated
3 with participation in the program, with the remainder divided equally
4 among the courts of limited jurisdiction that originally ordered the
5 traffic-based financial obligations consolidated under the program.
6 Revenue collected under the program created by this section shall be
7 distributed to the appropriate courts of limited jurisdiction on a
8 periodic basis not less frequently than monthly.

9 (10) For the purposes of this section:

10 (a) "Participant" means a person who has qualified and entered
11 the program created by this section.

12 (b) "Payment plan" has the meaning as described in RCW
13 46.63.110(6).

14 (c) "Program" means the program for the consolidation of traffic-
15 based financial obligations created by this section.

16 (d) "Traffic-based financial obligation" means any monetary
17 penalty, fee, cost, assessment, or other monetary obligation imposed
18 when a person is either found to have committed a traffic infraction
19 or found to be guilty of a traffic misdemeanor or gross misdemeanor
20 offense.

21 **Sec. 3.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
22 as follows:

23 (1) A person found to have committed a traffic infraction shall
24 be assessed a monetary penalty. No penalty may exceed two hundred and
25 fifty dollars for each offense unless authorized by this chapter or
26 title.

27 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
28 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
29 is five hundred dollars for each offense. No penalty assessed under
30 this subsection (2) may be reduced.

31 (3) The supreme court shall prescribe by rule a schedule of
32 monetary penalties for designated traffic infractions. This rule
33 shall also specify the conditions under which local courts may
34 exercise discretion in assessing fines and penalties for traffic
35 infractions. The legislature respectfully requests the supreme court
36 to adjust this schedule every two years for inflation.

37 (4) There shall be a penalty of twenty-five dollars for failure
38 to respond to a notice of traffic infraction except where the
39 infraction relates to parking as defined by local law, ordinance,

1 regulation, or resolution or failure to pay a monetary penalty
2 imposed pursuant to this chapter. A local legislative body may set a
3 monetary penalty not to exceed twenty-five dollars for failure to
4 respond to a notice of traffic infraction relating to parking as
5 defined by local law, ordinance, regulation, or resolution. The local
6 court, whether a municipal, police, or district court, shall impose
7 the monetary penalty set by the local legislative body.

8 (5) Monetary penalties provided for in chapter 46.70 RCW which
9 are civil in nature and penalties which may be assessed for
10 violations of chapter 46.44 RCW relating to size, weight, and load of
11 motor vehicles are not subject to the limitation on the amount of
12 monetary penalties which may be imposed pursuant to this chapter.

13 (6) Whenever a monetary penalty, fee, cost, assessment, or other
14 monetary obligation is imposed by a court under this chapter, it is
15 immediately payable and is enforceable as a civil judgment under
16 Title 6 RCW. If the court determines, in its discretion, that a
17 person is not able to pay a monetary obligation in full, and not more
18 than one year has passed since the later of July 1, 2005, or the date
19 the monetary obligation initially became due and payable, the court
20 shall enter into a local payment plan with the person, unless the
21 person has previously been granted a local payment plan with respect
22 to the same monetary obligation, or unless the person is in
23 noncompliance of any existing or prior local payment plan, in which
24 case the court may, at its discretion, implement a local payment
25 plan. If the court has notified the department that the person has
26 failed to pay or comply and the person has subsequently entered into
27 a local payment plan and made an initial payment, the court shall
28 notify the department that the infraction has been adjudicated, and
29 the department shall rescind any suspension of the person's driver's
30 license or driver's privilege based on failure to respond to that
31 infraction. "Payment plan," as used in this section, means a plan
32 that requires reasonable payments based on the financial ability of
33 the person to pay. The person may voluntarily pay an amount at any
34 time in addition to the payments required under the payment plan.

35 (a) If a payment required to be made under the local payment plan
36 is delinquent or the person fails to complete a community restitution
37 program on or before the time established under the local payment
38 plan, unless the court determines good cause therefor and adjusts the
39 local payment plan or the community restitution plan accordingly, the
40 court may refer the unpaid monetary penalty, fee, cost, assessment,

1 or other monetary obligation for civil enforcement until all monetary
2 obligations, including those imposed under subsections (3) and (4) of
3 this section, have been paid, and court authorized community
4 restitution has been completed, or until the court has entered into a
5 new time payment or community restitution agreement with the person.
6 For those infractions subject to suspension under RCW 46.20.289, the
7 court shall notify the department of the person's failure to meet the
8 conditions of the plan, and the department shall suspend the person's
9 driver's license or driving privileges.

10 (b) If a person has not entered into a local payment plan with
11 the court and has not paid the monetary obligation in full on or
12 before the time established for payment, the court may refer the
13 unpaid monetary penalty, fee, cost, assessment, or other monetary
14 obligation to a collections agency until all monetary obligations
15 have been paid, including those imposed under subsections (3) and (4)
16 of this section, or until the person has entered into a local payment
17 plan under this section or has entered into a consolidated payment
18 plan as authorized under section 2 of this act. For those infractions
19 subject to suspension under RCW 46.20.289, the court shall notify the
20 department of the person's delinquency, and the department shall
21 suspend the person's driver's license or driving privileges.

22 (c) If the local payment plan is to be administered by the court,
23 the court may assess the person a reasonable administrative fee to be
24 wholly retained by the city or county with jurisdiction. The
25 administrative fee shall not exceed ten dollars per infraction or
26 twenty-five dollars per payment plan, whichever is less.

27 (d) Nothing in this section precludes a court from contracting
28 with outside entities to administer its payment plan system. When
29 outside entities are used for the administration of a payment plan,
30 the court may assess the person a reasonable fee for such
31 administrative services, which fee may be calculated on a periodic,
32 percentage, or other basis.

33 (e) If a court authorized community restitution program for
34 offenders is available in the jurisdiction, the court may allow
35 conversion of all or part of the monetary obligations due under this
36 section to court authorized community restitution in lieu of time
37 payments if the person is unable to make reasonable time payments.

38 (7) In addition to any other penalties imposed under this section
39 and not subject to the limitation of subsection (1) of this section,

1 a person found to have committed a traffic infraction shall be
2 assessed:

3 (a) A fee of five dollars per infraction. Under no circumstances
4 shall this fee be reduced or waived. Revenue from this fee shall be
5 forwarded to the state treasurer for deposit in the emergency medical
6 services and trauma care system trust account under RCW 70.168.040;

7 (b) A fee of ten dollars per infraction. Under no circumstances
8 shall this fee be reduced or waived. Revenue from this fee shall be
9 forwarded to the state treasurer for deposit in the Washington auto
10 theft prevention authority account; and

11 (c) A fee of two dollars per infraction. Revenue from this fee
12 shall be forwarded to the state treasurer for deposit in the
13 traumatic brain injury account established in RCW 74.31.060.

14 (8)(a) In addition to any other penalties imposed under this
15 section and not subject to the limitation of subsection (1) of this
16 section, a person found to have committed a traffic infraction other
17 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
18 penalty of twenty dollars. The court may not reduce, waive, or
19 suspend the additional penalty unless the court finds the offender to
20 be indigent. If a court authorized community restitution program for
21 offenders is available in the jurisdiction, the court shall allow
22 offenders to offset all or a part of the penalty due under this
23 subsection (8) by participation in the court authorized community
24 restitution program.

25 (b) Eight dollars and fifty cents of the additional penalty under
26 (a) of this subsection shall be remitted to the state treasurer. The
27 remaining revenue from the additional penalty must be remitted under
28 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
29 under this subsection to the state treasurer must be deposited in the
30 state general fund. The balance of the revenue received by the county
31 or city treasurer under this subsection must be deposited into the
32 county or city current expense fund. Moneys retained by the city or
33 county under this subsection shall constitute reimbursement for any
34 liabilities under RCW 43.135.060.

35 (9) If a legal proceeding, such as garnishment, has commenced to
36 collect any delinquent amount owed by the person for any penalty
37 imposed by the court under this section, the court may, at its
38 discretion, enter into a payment plan.

39 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
40 hundred fifty dollars for the first violation; (b) five hundred

1 dollars for the second violation; and (c) seven hundred fifty dollars
2 for each violation thereafter.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.64
4 RCW to read as follows:

5 Whenever a court of limited jurisdiction imposes a monetary
6 penalty, fee, cost, assessment, or other monetary obligation under
7 this chapter for conviction of a violation of this title that is a
8 misdemeanor or gross misdemeanor, the person who owes such
9 obligations, if otherwise eligible, may consolidate the obligations
10 with the program authorized under section 2 of this act.

11 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2021.

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