

# HOUSE BILL REPORT

## SHB 1483

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**As Passed House:**  
March 5, 2011

**Title:** An act relating to traffic infractions.

**Brief Description:** Modifying the form for a notice of traffic infraction.

**Sponsors:** House Committee on Transportation (originally sponsored by Representative Pearson).

**Brief History:**

**Committee Activity:**

Transportation: 2/7/11, 2/22/11 [DPS].

**Floor Activity:**

Passed House: 3/5/11, 98-0.

**Brief Summary of Substitute Bill**

- Requires that a form for a notice of traffic infraction printed after the effective date of the bill include a statement that the person may be able to enter into a payment plan with the court.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Clibborn, Chair; Lias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Rolfes, Ryu, Shea, Takko, Upthegrove and Zeiger.

**Staff:** Wendy Malkin (786-7114).

**Background:**

A notice of a 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

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who receives a notice of a traffic infraction may either pay the fine or request a hearing to contest the notice. 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. Monetary penalties imposed by the court for traffic infractions are payable immediately. If payment is still not made within the granted time, the court must notify the Department of Licensing (DOL), and the DOL must suspend the person's driver's license until the penalty is paid.

If a court determines, in its discretion, that a person is unable to pay immediately, the court must enter into a payment plan with the person if less than a year has passed since the infraction became due. If the person has previously been granted a payment plan for the same fine or if the person is in noncompliance with any previous or existing payment plan, the court has the discretion to enter into a payment plan with the person. If a court administers a payment plan, the fee for the plan may not be more than the lesser of \$10 per infraction or \$25 per payment plan. A court may contract with outside entities to administer the payment plan.

If a person fails to comply with the payment plan, the court must notify the DOL, and the DOL must suspend the person's driver's license. If a community restitution program is available in the jurisdiction, the court may substitute community restitution for all or part of the amount due for the fine.

**Summary of Substitute Bill:**

A form for a notice of traffic infraction printed after the effective date of the bill must include a statement that the person may be able to enter into a payment plan with the court.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

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

**Staff Summary of Public Testimony:**

(In support) The bill allows people who admit to a traffic infraction to set up a payment plan immediately. This will mean more revenue if more people are able to pay over time rather than failing to pay. When people have their driver's license suspended because they can not pay the full amount, it takes a lot out of their lives, and it can start a difficult chain of events. People will choose to drive without a license or they will have trouble getting to work, picking up kids, and meeting other obligations. It makes more sense to let people set up the plan when they receive the notice of infraction. Currently, it is difficult for people to figure out how to ask for a payment plan, and they have to go to court to ask for a plan, which disrupts other obligations. It is expensive for the individual and the court system to require people to ask for a plan in court. Also, some courts will not let people do payment plans even when they really need them. This bill would be an improvement because it will allow an automatic payment plan without court discretion.

(With concerns) It is best to allow the courts to work with individuals to set up payment plans because the court can listen to the details of what a person needs and set up what makes the most sense for each person. This bill does not give any details about how the payment plans would work other than requiring the person to pay either 10 percent or \$10. Courts use payment plans often, and courts generally like to use payment plans because the plans increase the number of people who pay infractions.

This bill gives courts discretion to report to the DOL when a person fails to meet the payment obligations. Once the court reports to the DOL, the person's driver's license is suspended. The courts would rather not be in the position of deciding in each case whether to report to the DOL. A court clerk should be able to handle this without having to talk to a judge.

(Opposed) None.

**Persons Testifying:** (In support) Representative Pearson, prime sponsor; William Cork, Right to Drive to Work; and Gail Ralls.

(With concerns) Scott Alf, District and Municipal Court Judges' Association.

**Persons Signed In To Testify But Not Testifying:** None.