
Transportation Committee

HB 2680

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: Representatives Roberts, Moscoso, Pollet, Goodman, Hurst, Hasegawa, Pettigrew, Green and Kenney.

Brief Summary of Bill

- Removes the authority of the Department of Licensing to suspend the the license of a person for failure to respond to a notice of traffic infraction, failure to appear at a hearing, or failure to comply with the terms of an infraction or payment plan.
- Allows monetary obligations imposed by a court for traffic infractions to be enforced as civil judgments.

Hearing Date: 1/31/12

Staff: Alison Hellberg (786-7152).

Background:

Failure to Appear or Failure to Pay Monetary Penalties.

When a person receives a notice of traffic infraction the person must respond to the notice within 15 days. The person may pay the monetary penalty associated with the infraction or request a hearing. If a person fails to respond to the notice or fails to appear at a hearing, a court must assess a monetary penalty for the infraction and notify the Department of Licensing (Department).

A monetary penalty assessed by the court is immediately payable, but a court may enter into a payment plan with a person who is not able to pay the monetary obligation in full. If a driver's license suspension is for failure to respond, pay, or comply with a notice of traffic infraction, the

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applicant must enter into a payment plan with the court. If a person does not meet the conditions of the payment plan, the court must notify the Department.

The Department must suspend the license of a person who 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. It is unlawful for any person to drive a motor vehicle while that person's privilege to drive is suspended or revoked. A person whose license is suspended due to failure to appear or pay a traffic ticket may apply for an occupational driver's license.

Nonresident Violator Compact.

The Nonresident Violator Compact (Compact) is an interstate compact that standardizes how traffic infractions are processed across state borders. Most states, including Washington, are parties to the Compact. The Compact addresses situations such as non-residents receiving infractions and failing to appear or comply with the infraction. Under the Compact, participating states may notify each other when a resident of another state does not comply with an infraction's terms. When the home state receives notice of a resident's noncompliance, the home state initiates the procedure for license suspension.

Summary of Bill:

Failure to respond to a notice of a traffic infraction, failure to appear at a scheduled hearing, violation of a promise to appear in court, or failure to comply with the notice of traffic infraction or citation are removed as elements of Driving While License Suspended or Revoked in the third degree, which is a misdemeanor.

The requirement that a court notify the Department when a person failed to respond to a notice of traffic infraction, failed to appear at a hearing, violated a written promise to appear in court, failed to comply with the terms of an infraction, or failed to meet the conditions of a payment plan is removed. The Department's authority to suspend the license of a person for failure to respond to a notice of traffic infraction, failure to appear at a hearing, violation of a written promise to appear in court, failure to comply with the terms of an infraction, or failure to meet the conditions of a payment plan is also removed.

When a monetary penalty, fee, cost, assessment, or other monetary obligation related to a traffic infraction is imposed by a court, it is enforceable as a civil judgment. If a person fails to make a payment under a payment plan, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement. If a person has entered into a payment plan with the court and has not paid the monetary obligation in full, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collection agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect July 1, 2012.