

## **Public Safety Committee**

### **HB 1601**

**Brief Description:** Providing alternatives for penalties stemming from traffic infractions.

**Sponsors:** Representatives Goodman, Pettigrew, Moscoso, Habib, Pedersen, Jinkins, Roberts, Orwall, Appleton, Upthegrove, Pollet, Freeman and Ryu.

#### **Brief Summary of Bill**

- Requires jurisdictions to make a community restitution plan available to eligible persons who receive traffic infractions.
- Defines "community restitution plan" to mean the performance of community service in lieu of a monetary penalty, at the rate of the state minimum wage per hour.
- Allows a person to pay a monetary penalty imposed for a traffic infraction through either a payment plan or a community restitution plan, if the court determines that the person is not able to pay the monetary penalty without undue hardship.
- Requires the court to waive any additional monetary penalty related to traffic infractions if the court finds the person indigent and allows the court to order a payment plan or community restitution plan in lieu of the penalty, if the person requests.
- Amends the form for traffic citations to indicate that the penalty for a traffic infraction may include nonrenewal of a vehicle registration, rather than the vehicle license, and to indicate that a person shall be able to request entry into a community restitution plan or payment plan.

**Hearing Date:** 2/13/13

**Staff:** Sarah Koster (786-7303).

#### **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 who

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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.

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

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 for a moving violation, the court must notify the Department of Licensing (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. Additionally, the court may, in its discretion, waive, reduce, or suspend the fine prescribed for the infraction.

### **Summary of Bill:**

"Community restitution" means the performance of a number of hours of community service in lieu of all or part of a monetary penalty, at the rate of the state minimum wage per hour.

A community restitution plan must be made available to persons assessed penalties for traffic infractions and the court must allow community restitution in lieu of all or part of the monetary obligations due, if the person is unable to make reasonable time payments without undue hardship.

A form for a notice of a traffic infraction must include a statement that the person shall be able to request entry into a payment plan or community restitution plan with the court and, to accurately reflect the current law, must indicate that the penalty for a traffic infraction may include nonrenewal of a vehicle registration, rather than the vehicle license.

If a court determines, in its discretion, that a person is unable to pay an imposed penalty for a traffic infraction in full without undue hardship, the court must, upon request of the person, enter into a payment plan or a community restitution 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 or community restitution plan for the same fine or if the person is in noncompliance with any previous or existing payment or community restitution plan, the court may, in its discretion, enter into a payment or community restitution plan with the person. Additionally, a court must waive, reduce or suspend the monetary penalty prescribed for the infraction if the court finds the person indigent.

If the court has notified the DOL that the person has failed to pay or comply and the person later begins to comply with a payment plan or community restitution plan, the court must timely notify the DOL, and the DOL must immediately rescind any suspension.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2013.

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