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**SENATE BILL 5575**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Salomon, Darneille, Das, Frockt, Hunt, Keiser, Kuderer, Nguyen, Saldaña, and Wilson, C.; by request of Attorney General

Read first time 01/24/19. Referred to Committee on Law & Justice.

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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