

WASHINGTON DEFENDER ASSOCIATION
WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

April 22, 2021

Dear Governor Inslee,

We are writing on behalf of the Washington Defender Association and the Washington Association of Criminal Defense Lawyers to request that you partially veto ESSB 5226: Suspension of licenses for traffic infractions. We request a veto of all sections of the bill with the exception of section 11. Failing that, we urge that you veto sections 7 and 8.

We strongly support section 11 of the bill, which would allow the Department of Licensing (DOL) to reinstate the licenses of people who are unable to pay fines on traffic citations. The remainder of the bill authorizes a process that purports to help drivers avoid license suspensions for failure to pay fines, but, in fact, is so illusory, unrealistic, and bureaucratic as to be meaningless.

Section 1 of the bill allows a driver who cannot pay a traffic ticket immediately to mark a box on the ticket admitting responsibility for the infraction and saying they cannot pay the fine in full. However, under section 4(4)(b), the driver's selection of that option merely obligates a court to "attempt to enter into a payment plan with the person." ESSB 5226 gives no guidance regarding that attempt, and even if the attempt is meaningful and successful. Under section 4(6) a court can have a collections agency administer the payment plan and charge the driver a fee for doing so. This renders the option of checking a box on the ticket indicating inability to pay valueless and deceptive.

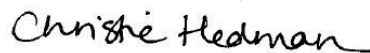
If you are unable to veto everything except section 11, we ask that at minimum you prioritize vetoing sections 7 and 8. These sections would reduce the number of moving violations a driver can accumulate before DOL will suspend their license and is a solution in search of a problem that instead will increase the number of people with license suspensions, making it difficult for them to get to work, school, court, and other obligations. Especially problematic is the fact third degree driving with a suspended license, the crime of driving with an unpaid traffic ticket, is a moving violation that will support a 60 day suspension. WAC 308-104-160(10).

We urge you to veto all sections of ESSB 5226 with the exception section 11, or in the alternative, veto sections 7 and 8. Thank you for your consideration.

Sincerely,



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Executive Director, WACDL



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WDA is a non-profit organization created in 1983 to promote, assist, and encourage public defense systems which ensure that all accused persons in every court receive effective assistance of counsel

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WACDL is a non-profit organization working to improve the quality & administration of justice by protecting & insuring by rule of law those individual rights guaranteed by the Washington and Federal Constitutions