

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5226 ESSB	Title: License Suspension / Traffic	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
	INDETERMINATE				
Total:					

Estimated Expenditures from:

STATE	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
Account					
General Fund – State (001-1)	44,100		44,100		
State Subtotal	44,100		44,100		
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:	44,100		44,100		

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

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Part II: Narrative Explanation

This bill would change requirements for notice of infractions (NOI), providing an option not to pay, allowing for a payment plan, would redistribute a portion of the legislative assessment revenue under RCW 46.63.110, and would create a new \$2 assessment on each infraction to fund Department of Licensing (DOL) technology improvements.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1 – Would amend RCW 46.63.060 to change requirements for a notice of infraction (NOI). The bill would add an option to allow a person to admit responsibility for an infraction and attest that the person must receive information on how to obtain a payment plan from the court, and that failure to pay may result in collection action. The bill would remove suspension of driver's license as a penalty.

Section 2(1) - Would amend RCW 46.63.070 to extend the response time for a NOI from 15 to 30 days.

Section 3 – Would amend RCW 46.63.110 to provide that the court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law; major changes to payment plan notification & requirements.

Section 3(8)(a) – Would amend RCW 46.63.110 to increase the Legislative Assessment by \$4 (from the current \$20 to \$24).

Section 3(8)(b) – Would change the distribution of the \$24 legislative assessment under Section 3(8)(a). \$12.50 of the penalty would be distributed as follows: \$8.50 would be distributed to the State General Fund and \$4 would be distributed to the Driver Licensing Technology Support Account (DLTSA) created in Section 15 of this bill. Revenue distributed to the DLTSA would be used by the Department of Licensing (DOL) to communicate with judicial information systems, manage driving records, and implement court orders.

Section 4 – Would add a new section to RCW 46.63 specifically governing traffic infraction payment plans. Court administrative fees for payment plans would be authorized, allowing a court to assess a fee of \$10 per infraction or \$25 per payment plan, whichever is less.

Section 12 – Would amend RCW 46.64.025 to only require court reporting of criminal traffic, not infractions.

Section 14(7) – Would amend RCW 2.68.040 (JIS account) to add an additional \$2 assessment to traffic infractions, to be distributed to the DLTSA.

Section 15 – Would create the Driver Licensing Technology Account as a subsidiary account of the Highway Safety Fund.

Section 16 – Would establish an effective date of March 1, 2022 for this bill.

II.B - Cash Receipt Impact

Indeterminate, but expected to be significant.

Assumptions

- This bill would redirect a portion of the \$24 legislative assessment to the newly created DLTSA.
- Currently, \$8.50 is distributed to the state General Fund. This bill would change that distribution to \$12.50, with \$8.50 distributed to the state General Fund and \$4.00 distributed to the DLTSA.
- The bill also adds a new \$2 assessment to each traffic infraction, directing this revenue to the DLTSA.
- Section 1(2)(a)(ii) would provide that an option would be available for a person to admit responsibility for an infraction and attest that they do not have the current ability to pay the infraction in full. Under this option, the person must receive information on how to obtain a payment plan from the court. It is unknown how many persons would select this option.
- Maximum fines are not always ordered, not all fines are collected in full, and fines sometimes take years to collect.

Revenue impacts are indeterminate, but for illustrative purposes the following example is provided.

The current distribution of the \$20 legislative assessment (RCW 46.63.110(8)(a)) provides for \$8.50 distributed to the state General Fund, with the residual distributed to the state and local governments as provided by RCW's 3.46.120, 3.50.100, and 35.20.220 (68% remains local, 32% distributed to the state). This bill would increase the legislative assessment to \$24. This bill would increase the initial distribution to the state General Fund to \$12.50, with \$8.50 distributed to the State General Fund and \$4.00 distributed to the DLTSA created by this bill. The following table displays this impact, using 100 infraction filings as a proxy for revenue impact.

Table I – Example of Redistribution of \$24 Legislative Assessment

	Current Distribution	Proposed Distribution	Difference to DLTSA
Legislative Assessment	\$20.00	\$24.00	
State Distribution	\$8.50	\$12.50	\$4.00
Residual (state and local distribution)	\$11.50	\$11.50	\$0.00
<i>Assume 100 Infraction Filings</i>			
State Distribution (Initial)	\$850.00	\$1,250.00	\$400.00
Local Distribution (68% Residual)	\$782.00	\$782.00	\$0.00
State Distribution (32% Residual)	\$368.00	\$368.00	\$0.00
Total	\$2,000.00	\$2,400.00	

The table below displays ten-year traffic infraction filing data. Over this period, infraction filings statewide have steadily decreased, with filings down (cumulative) 27.3% from 2011 through 2019. Data for 2020 is incomplete (data only available through November 2020), but included here for information purposes. It is likely that the 2020 data trend (although anomalous due to the impact of COVID) will resonate in 2021 and perhaps longer.

Table II – Infraction Filings, 2011 through 2020 (to date)¹

Calendar Year	Infraction Filings	Pct Change Year to Year	Pct Change 10 Year Trend
2011	971,654	N/A	N/A
2012	872,759	-11.3%	-10.2%
2013	867,525	-0.6%	-10.7%
2014	824,729	-5.2%	-15.1%
2015	810,635	-1.7%	-16.6%
2016	715,216	-13.3%	-26.4%
2017	708,923	-0.9%	-27.0%
2018	730,036	2.9%	-24.9%
2019	706,772	-3.3%	-27.3%
2020	442,671	-59.7%	-54.4%

II.C – Expenditures

This bill would require revisions to existing Judicial Information Systems and associated revenue systems and reporting. It is estimated that revisions will require 525 hours of information technology staff time. The standard hourly rate is \$84 (salaries and benefits). Thus, the estimated cost for these revisions would be 525 x \$84 = \$44,100.

Court education would be required and infraction bench books would need to be revised. Updates to the law tables and accounting codes and business rules would be required. These impacts would be managed within existing resources.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
A – Salaries & Wages	30,870		30,870		
B – Employee Benefits	13,230		13,320		
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:	44,100		44,100		

¹ Source: Caseloads of the Courts of Washington, Courts of Limited Jurisdiction. 2020 data is through November, 2020.