



Open Forum – Questions for DOL & AOC

Wednesday, December 21, 2022

Zoom Link: <https://wacourts.zoom.us/j/95550229687>

Q & A NOTES

1. DOL Records

Q: “We have a DUI that was dismissed but there is still a DUI on the defendant’s record that we can’t remove. How do we get that off of the defendant’s record?”

A: There are two sides to DUI law, the Administrative side, and the Criminal side. They both show on the record as a DUI. The Administrative DUI cannot be removed from the DOL record by the court; in order to get that dismissed, the person has to go through an administrative hearing and meet the criteria of being dismissed. Also, if there is a DUI on the driving record and your court is not the reporting court, you cannot remove it either; in that case, you can contact Law Justice and we can check the court to see if the wrong court was recorded. An important reminder is always look to the DUI statute to identify if it is an Administrative DUI; easiest way is to look at the RCW if it 46.20.308, then it is the DOL side of the DUI law and the court cannot remove the conviction.

Q: “When a Deferred Prosecution is Revoked, how should it be reported in DIAS?”

A: When in the DIAS system, go to the “Deferred Prosecution” section and select the “Report Deferred Prosecution Revoked” form. Ensure all the information on the Deferred Prosecution Revocation form, like the ticket number and date, matches what was on the Deferred Prosecution on the ADR before submitting; you can check the ADR first to match all the information.

Q: “When we clear a parking hold via DIAS is that clearing the hold instantly like it does the FTAs?”

A: No, it does not. When DIAS was created, vehicle violations were not part of the original requirement gathering. DOL gets a work item and then clears the parking hold. As a reminder, if you are clearing a parking hold in JIS, you don’t have to send a removal in DIAS. DIAS holds and releases are only for those parking tickets not being processed in JIS.

2. Changes due to ESSB 5226 – FTA and Suspensions

The Changes due to ESSB 5226 – FTA and Suspension will take effect on January 1, 2023, and all impacts are combined into one eService Answer that can be found on the eService Center page on Inside Courts. Answer – [ESSB 5226 Impacts to Courts of Limited Jurisdiction : eService Center - Administrative Office of the Courts \(wa.gov\)](#)

Ticket Changes – Criminal, Infraction, and Parking/Photo Tickets

- Sector tickets - all the details for the violator that once was at the bottom are now on the top of the violator's copy. The UICC incorporated this change to reduce failure to appear and failure to respond by having the information right on top for violators.
- New Response Language on Infractions - there are now 4 options for responding to all infractions. These 4 options need to be on ALL infraction forms, including paper tickets and parking tickets.
- TCN number - if an officer is arresting someone when issuing the citation, they can enter the TCN number in the SECTOR ticket, and it will fill in on the criminal ticket as well as on the TCN/PCN field in ETP.
- The ethnicity field - was also added to the ticket.
- 16 passengers van field – changed to 16 passengers bus
- 16 passengers – number of passengers under 16 years old in the vehicle for use when citing a DUI.

If you have parking citations they are not using the Statewide infraction format, if you have a local version or photo enforced vendor versions, they need to be reapproved by AOC, to make sure the changes that are required on the infraction are included. If you haven't done that, just submit your approval through the eService Center with a copy of your updated ticket. For questions, see eService Answer – [AOC Approval of Parking and Photo Enforcement Forms](#).

JIS Changes – FTA Screen, FTA Auto-Selection, FTA Exchanges with DOL

- FTA reasons – Any new FTA's Ordered on a case will require a reason code to be added. FTA's Ordered or Issued prior to January 1, 2023 will not be updated automatically to add a reason code. If a court wants to add a reason code so DOL can take suspension action, the court will need to Adjudicate the old FTA and add a new one using the reason codes.
- Once the FTA is Ordered, you will see the docket entry of "FTA Ordered" with the reason code. Because it is already recorded on Ordered docket entry, you won't see a reason listed on the docket entry when it is Issued. Not all FTA Issued warning messages will show the reason; to see the reason you can either go to the FTA screen or look for the FTA Ordered docket entry.
- The FTA Auto Selection Process had to be updated in order to automatically select the cases that are eligible and include a reason for the issuance. In order to include the reason code, different selection criteria had to be defined. The new selection criteria are described in both the Initiate FTA Auto Selection Process manual page as well as in the FTA Process manual page section Order FTA's: Auto-Select. The auto select process still only works for Infraction Traffic cases. Criminal Cases still must be ordered on the FTA screen.
NOTE: After the testing is complete we will have updated criteria so expect additional updates to the manual pages for the Auto Selection Process.
- New DOL support account – the bill increases the Legislative Assessment fee from \$20 to \$24 as well as an additional \$2 as part of the JTR/JTX Cost Fee Code, which will increase most Infraction Traffic penalties by \$6. Due to the rounding rules defined in IRLJ 6.2, some fine penalty totals will be increasing by more than \$6 and laws for RCW 46.61.212 and 46.61.527, in which the Legislative Assessment fee is not applied, will increase only by \$2. All laws have been sent to WSP for loading into SECTOR, the updates will be available for officers to use effective January 1, 2023.

- The FTA reason codes were also added to the CLJ Universe in BIT and the new accounting codes were added to the Accounting Universe in BIT.

DOL Changes – Unresolved Traffic Citations on ADR

- The Failure to Appear (FTA) section of the ADR will no longer be called Failure to Appear; starting on January 1, 2023 it will be called Unresolved Traffic Citations (UTC).
- Since DOL no longer takes action on just failure to appear, effective 1/1/2023 all data on DOL records will reflect the new UTC, except where it has been identified as FTA in federal coding.
- DOL will be adding to the record the reason the court submitted the UTC
- DOL will only be suspending a UTC that is a moving violation for the following reasons.
 - Failure to Respond – notice of traffic infraction only
 - Failure to Comply – criminal citation only
 - Failure to Appear – both traffic infraction and criminal citations
- Unresolved Traffic Citations with the reason of Failure to Pay will not show on the driver's record.
- Moving violations can be found at WAC [308-104-160](#).

Screen Shots

UTC on DIAS ADR

| Unresolved Traffic Citations | | |
|--|---|--|
| Description: S93 - Speeding Violation date: 01/03/2024 Violation #: 4 | Notice Date: 04/01/2024 Court name: Eatonville Municipal Court Court phone: 253 862-6606 | Statute: 46.61.212.2.05 Suspendable: Yes UTC Type: Failure to Appear Jurisdiction: WA |

UTC on JABS ADR

| Unresolved Traffic Citations | | |
|--|--|---|
| Description: S51 - Speeding 01-10 MPH > limit Violation Date: 12/07/2022 Violation #: MONITOR | Notice Date: 12/07/2022 Court Name: Adams County District Court Court Phone: 509 659-1002 | Statute: 46.61.400 Suspendable: Yes UTC Type: R Jurisdiction: WA |

Reporting a UTC on DIAS



Notice of Unresolved Traffic Citation

Submit UTC information

> Report Unresolved Traffic Citation

> Adjudicate existing UTC

> Request UTC re-issue fee removal

Add new UTC

Conviction

Unresolved Traffic Citation

Citation Number

1

Conviction Date

01-Jan-2023

Court

WA034015J - WASHINGTON SUPREME COURT

Offense Date

01-Jan-2023

Hour

00

Minute

00

Driver has CDL/CLP per citation *

Required

Aiding and Abetting *

Required

Unresolved Traffic Citation Type *

Required

Required
Failure to Appear
Failure to Comply
Failure to Respond

Cancel

Next >

3. Additional Notes:

The four FTA Reason Codes are:

- C – Failed to Comply
- A – Failed to Appear
- P – Failed to Pay
- R – Failed to Respond

There are some language changes also in the bill that may impact courts' local processes. The violator now has 30 days to respond or 33 days to respond to mailed infractions. Additionally, infractions cannot be sent to collection until at least 90 days from the violation date. See the ESSB 5226 Answer for additional details on what processes courts should review.

Additional Court Changes Needed – Court Profile Maintenance Screen and Collections Profile

ESSB 5531 – Revised Uniform Unclaimed Property Act from 2022 Washington Legislative Session

This bill does repeal the statute that allowed courts to retain overpayments. Courts need to change their profile maintenance overpayment field to \$0 by the end of the year.

4. Chat Questions

Q: When we adjudicate an FTA for an out of state license, how long does it take and what is the process for notifying the out of state DOL?

A: There is not one answer for this, When the UTC/FTA is adjudicated, Washington's DOL, complies the UTC/FTA on the Washington record and then generates a letter to be mailed to the driver's state of record. There is no way for DOL to know how long it will take to adjudicate in the driver's home state once they get the adjudication letter.

Q: What if they do file the wrong ticket (i.e., 2015 version)?

A: You process it, you are the keeper of the records, not part of the prosecution. It doesn't impact you, but it can impact the prosecutor having the wrong document filed and could result in motions to dismiss being filed. Prosecutors can file amended complaints if needed, if they choose to, in order to resolve the problem. The court staff simply processes what is filed.

Q: Will the user guide be updated to reflect these changes?

A: Yes, it will be updated.

Q: What will it display for old FTAs that didn't have a reason code? Will it just be blank?

A: FTA's issued prior to 1/1/2023 will display, but they will not have a Reason Type on the DOL or the JABS ADR.

| Unresolved Traffic Citations | | |
|--|---|--|
| Description: B26 - Driving while license suspended Violation date: 05/11/2022 Violation #: 369258 | Notice Date: 07/11/2022 Court name: Eatonville Municipal Court Court phone: 253 862-6606 | Statute: 46.20.342.1c Suspendable: Yes UTC Type: Jurisdiction: WA |

Q: If we adjudicate a citation in DRIVES, do we still check No on JIS FTA screen for Notify DOL (Y/N). When would it be appropriate to mark yes?

A: Yes, if you are going to DIAS to adjudicate, always mark No on the JIS FTA screen in the Notify DOL (Y/N) field. You would mark it Yes if you have not cleared the FTA via DIAS.

Q: If a citation that is set up on a payment plan is now delinquent, and now eligible for collections, and is selected for an FTA/UTC will those not be reported as an UTC on the driving record since it will be for fail to pay? Will it be suspended?

A: It will not show up on the driver's record at all and it will not be suspended for that UTC

Q: If/When the court adjudicates and reissues the FTA with the new reason code, in the instance of a no show on a mitigated or contested hearing, that has now gone committed and assigned to collections; do we use FTA or FTP?

A: If their reason of the FTA originally was because they originally failed to appear for hearing, you can use the failure to appear reason, even though it is now gone to collections they haven't paid. If they had responded or appeared, and set up a payment plan and did not comply with the payment plan, then you would use failure to pay. Utilize the docket entries on the case to determine the original cause of the FTA and use that as the reason when doing the reissuance.

Q: Where can we find the criteria for the new UTC codes?

A: There is no specific criteria for which code to use, it is simple to follow the description of the reason codes. If they failed to appear for a hearing, use Failed to Appear as the reason, if they failed to respond initially, use Failed to Respond as the reason. You will be the ones to determine which reason to use based on what happened on that case.

Q: So Fail to Pay, moving violations will not report on ADRs?

A: No, they are not going to go on the ADR, even though they are on a moving violation per WAC [308-104-160](#), because the reason of Failure to Pay is no longer a suspendable action.