



Open Forum – Questions for DOL & AOC

Wednesday, January 18, 2023

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

Q & A NOTES

1. DOL Records

Q: “How are reduced charges reported?”

A: If you have a mandatory offense that has been amended, you need to give us the original charges in DIAS, not just the final charges. You don't have to provide the original charges if it is an eTicket because both the original charge and what it was amended to comes from AOC on the eTicket dispositions. We received non-eTickets for DUIs that are amended to negligent driving that were not reported as originally being a DUI, which is essential because if the case has a prior offense, we must add an ID requirement; it gets counted as a prior offense if there are other charges.

Q. “When I send a question to DOL and provide the case number, why do they always ask for a license number before answering the question?”

A: DOL does not go by the ticket number; DOL can only search the database by the driver's name/date of birth or the driver license number, therefore in order for us to assist, we need the driver's license number or name/date of birth. Please, when you send questions, make sure to include all the information like complete name, date of birth, driver's license number, and case number so we can look it up and respond to your issue faster.

2. Changes due to ESSB 5226 – FTA and Suspensions

Q: “If a person fails to comply with conditions of sentence on a Criminal Traffic case, are summonsed to court but then fail to appear, which reason should be used when issuing the FTA, ‘Fail to Comply’ or ‘Fail to Appear’?”

A: In this case, it is up to you. Both of those on a Criminal Traffic Case would be actionable. If technically they were not yet found non-compliant, you could use the FTA since they did Failed to Appear, or you could use the Fail to Comply since it is the allegations of non-compliance that was the reason for the hearing.

Q: “When would a court use the Manually Issued FTA section of the FTA screen?”

A: We used to have to print out the FTA as a piece of paper and send the copies to DOL, and you would manually enter them into the JIS. While you don't need to do that any longer, we left this functionality in the system to help when you need to do a workaround for certain activities. For example, if you have an FTA issued, but you have found that the disposition was not done on the case, and you can't send the case to collections until the issue has been addressed; you

can adjudicate the FTA with “No notice to DOL”, so it doesn’t impact what happens in DOL, do what you need to do in the case, and then manually reissue using the date that the original FTA was issued. By doing that, the system will not send a new FTA to DOL, but you are now able to properly process your case. Also, there is the ability to manually add an FTA in DIAS, but that is ONLY to be used by courts that don’t use the JIS system or that don’t use an electronic FTA process going through AOC to DOL.

Q: “What number of days should the court use for their Number of Grace Days on the Court Profile Maintenance (CPFM) screen? And, what number of days should be on the collection profiles now to give them 90 days before going to collection on infractions?”

A: Unfortunately there is no one answer that works for all courts, because courts have different processes on how they do their delinquent processes and notices. This will depend on how your process works regarding how you do your FTA process and collections process locally. The CPFM screen should have at the very minimum 33 days listed in the Grace Days for infractions, to allow for the time granted on mailed notices of infractions. The recommendation is to enter the number of days that you will actually hold the tickets prior to initiating Failure to Respond action. For example, if your previous setting was for 30 days when the statute and court rule allowed 15 and 18 days to respond, and you want to continue the practice of extending that time now that the response time is 30 and 33 days, then you may want to enter 45 or 48 days in the Grace Days field.

The collection profiles will also need to be determined based on your local court practice. Continuing the example above, if your CPFM Grace Days now has 45 days, then you can do an additional 45 days in the collection profiles so it will not process until 90 days total have passed. However, if you have a third party do your pre-collection notices, you may want to do a shorter time period so they can be sent to the third party prior to 90 days, and that third party gives the additional time for payment, not sending the matters to the collection agency until after the 90 days has passed. This may require a modification of your contract or service level agreement with the third party to modify the number of days they hold the matters, though. Another option is to extend your court’s Grace Days so they are not sent until after 60 days have passed, so the third party can still have the pre-collect notices say 30 days to pay or go to collection. Again, it will be up to each jurisdiction’s process to determine what dates should be used in each.

Q: “What number of days should the court use on the Parking Delinquent Days table?”

A: Similar to the infraction question above, it is going to depend on how your process works regarding how you do your notices, and how often you send out the notices, there is no single answer on how to set the dates. Unfortunately there is no one answer that works for all courts, because courts have different processes on how they do their delinquent processes and notices. If your court will give the person just the 30 days to respond you can leave it blank, using the default of the system, if you then hold those matters for 60 days prior to sending them to collection. This is most often done if you use a third party for the pre-collection notices because they can be told to now hold them an additional 60 days, making the total number of days before going to collection 90 days which meets the minimum set out in the statute. Again refer to the prior answer for other solutions.

However, if you do your own delinquent notices, you may want to set it at 45 days; that way the delinquent notices will not generate until 45 days have passed AND the cases won’t be on the

collection reports until an additional 45 days has passed, meeting the 90 days required. Some courts have decided to do 60 days, giving the defendants additional time, with a total time of 120 days prior to going to collection, as they would rather give extra time than not enough. It will be up to your court and your court's processes that will determine what option or variation of these options you may use.

Q. "An officer issued a ticket after January 1, 2023 and the violator copy handed to the defendant was the old version, but what came to the court was the new version. How did this happen?"

A: It appears that the officer was on leave in December 2022, and the release for the changes happened during his leave, so the computer did not update the changes until he was back to the office and did the Send/Receive process after issuing tickets. We should not have additional tickets with the same error. If you happen to have a new ticket with the old language, my recommendation is to provide an updated copy of the violator copy to the defendant.

3. Additional Questions

Q: "If the court does the \$0.00 on the retain overpayments field in the Court Profile Maintenance screen, do they have to issue the check to the person for the small overpayments or can they just hold it and remit it as unclaimed property after a year?"

A: There is nothing in the language of the bill that tells you what to do with these overpayments. Each court should process them according to your internal process; I recommend you to talk with your Judges to decide on the process.

4. Chat Questions

Q: Are we waiting the 90 days issue the FTA?

A: You don't have to wait the 90 days to issue the FTA, just to send it to collection. The response time is 30 to 33 days, after that you could do the Fail to Respond if they haven't responded.

Q: We had a case where the Judge ordered an FTA but waived the \$52 fee so we wanted to adjudicate to adjust the CAR. Is there a way to order an FTA and prevent JIS from adding the \$52?

A: You should be able to adjust the CAR while the FTA is issued. If it won't let you, you can adjudicate no notice, make the adjustment on CAR and manually re-issue the FTA.

Q: In the ESSB 5226, it states to issue the FTA the date the person fails to appear for their mitigated or contested hearing?

A: Yes, you can immediately order it the day they have Failed to Appear for a hearing, but you still have to wait 90 days if it hasn't passed by the time of the hearing, before it goes to collections. For FTAs issued, there is no time to wait, only time before sending it to collections.

Q: If the tickets were issued prior to January 1st, are they still eligible for collections within 30 days or everything goes to the 90 days window?

A: My understanding is that they are still eligible, but if you already made your system changes, it will probably follow the new process with your new settings.

Q: We tried to amend a court order for physical control on DIAS for a minor DUI, and it did not allow us to do that.

A: After putting the physical control, you can select the ACH code and choose if it is alcohol or THC related. I can set up a meeting to walk you through the system if necessary.

Q: Is there a certain report to run for parking eligibility for redflex?

A: There is not a specific report for redflex tickets, it will be just a parking report ticket once they are in JIS.