

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Support for proposed changes to IRLJs 1.2, 2.1, 2.4, 2.5, 2.6, 3.2, 3.3, 3.4, 3.6, and 5.1, proposed new [IRLJ 3.5 & Forms], and the suggested rescission of IRLJ 4.2  
**Date:** Wednesday, June 1, 2022 8:11:45 AM

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**From:** Bailey delongh [mailto:deionghb@gmail.com]  
**Sent:** Tuesday, May 31, 2022 6:00 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Support for proposed changes to IRLJs 1.2, 2.1, 2.4, 2.5, 2.6, 3.2, 3.3, 3.4, 3.6, and 5.1, proposed new [IRLJ 3.5 & Forms], and the suggested rescission of IRLJ 4.2

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The organization, Showing Up for Racial Justice Vashon Maury Island Criminal Justice Action Team, supports the proposed changes to IRLJs 1.2, 2.1, 2.4, 2.5, 2.6, 3.2, 3.3, 3.4, 3.6, and 5.1, proposed new [IRLJ 3.5 & Forms], and the suggested rescission of IRLJ 4.2, submitted by the Northwest Justice Project. These rule changes are needed to protect Washington drivers from unfair license suspensions due to the inability to pay traffic tickets.

**The Courts and the Legislature Have Spoken Clearly – Ability to Pay Must be Considered.** In the 2021 case of *Pierce v. DOL*, Thurston County Superior Court found that the Department of Licensing (DOL) violated drivers' due process rights by suspending licenses for unpaid traffic tickets without determining whether the driver could afford to pay the ticket. New statutes will go into effect on January 1, 2023, due to passage of SB 5226. The legislation requires that traffic tickets include a box drivers can check to show an inability to pay and request a payment plan. The proposal to change the IRLJs fills gaps left by SB 5226. It explains drivers' rights, how to exercise them, and outlines a clear process for courts to give drivers notice of those rights. It also includes standard forms. Sections 3 and 4 of SB 5226 specify that new IRLJs may be necessary to the bill's implementation.

**The Overall Benefits of the Proposed Rules.** Allowing people to stay licensed allows them to stay insured and continue getting to work and taking care of family. People who cannot pay a traffic ticket are no less safe than other drivers who get traffic tickets and can pay for them. Suspending licenses for unpaid

infraction tickets does nothing for traffic safety. This is also an issue of race equity, since BIPOC drivers are disparately cited for traffic infractions.

**To make the new legislation apply fairly, uniformly, and in a way that serves Washington residents, courts should have guidance about how to decide if a person cannot pay a traffic ticket and what is a realistic payment plan.** Using existing court forms and legal standards for determining ability to pay to determine if a person can pay and limiting to monthly payments of \$10 provides that guidance.

**The process must be accessible and minimize barriers.** Court processes can be confusing and time-consuming to figure out. Courts of limited jurisdiction are well situated to give information to drivers about how to get on a payment plan. Busy drivers should not have to search for that information. Attendance at hearings can be difficult to impossible for people with jobs, school, or childcare responsibilities. Limiting hearings and allowing remote appearances would help people comply with their tickets by not forcing them to appear in court.

People may also need time to gather resources before addressing a traffic ticket. The 90-day grace period would assist people without immediate access to extra money. Often, people do not respond to a traffic ticket because of multiple competing time demands and because the process and potential fine are daunting. An automatic requirement that a person who does not respond to a traffic ticket has to pay the whole fine at once is unfair and punishes people with the most limited resources. The proposed rules amendments strike the right balance for allowing people to comply with traffic tickets.

Please adopt the proposed amendments to IRLJs 1.2, 2.1, 2.4, 2.5, 2.6, 3.2, 3.3, 3.4, 3.6, and 5.1, proposed new [IRLJ 3.5 & Forms], and the suggested rescission of IRLJ 4.2.

Sincerely,

Showing Up for Racial Justice  
Vashon Maury Island Criminal  
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