

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Proposed revisions of IRLJ's.
Date: Thursday, August 11, 2022 10:29:20 AM

From: George Steele [mailto:GSteele@masoncountywa.gov]
Sent: Thursday, August 11, 2022 10:29 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Re: Proposed revisions of IRLJ's.

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I made one slight correction, if you can send this instead.

I wish to offer commentary on the proposed new infraction rules. To say I have concerns would be putting it mildly.

First, why is there a distinction between traffic infractions and non-traffic infractions? Are not the concerns of inability to pay the same? Given the fact that, if these rules get adopted, leaving only civil collections as the sole means to get people to pay their fines, would not the consequence for non-appearance or responding be the same? To say the distinction is ludicrous, is putting it too gently.

Under the proposed Rule 2.5, the courts would no longer be allowed to report non-appearances to the Department of Licensing. I believe the rule could be read to reach, yet another, absurd result. Let us say for example, that you have someone who gets a traffic infraction, who does not work and has no assets. That person chooses not to respond. The choosing not to respond could not be reported to the Department of Licensing. If that person had an interest in not having the violation on his or her traffic record, one reading of the rule could very well be to ignore the ticket so it could not be reported on a driving record. There are reasons beyond license suspensions that assist in having this information known on DOL records, such as driving without insurance when having insurance is a condition of probation, such as a DUI.

Rule 2.5 also seems to conflict with RCW 46.63.070 which requires that the Department of Licensing be notified of the failure to respond or appear. I understand that having the Department of Licensing suspend licenses for failure to pay, with no mechanism for a driver to contest the suspension violates due process, which was the crux of the issue in *Pierce v. DOL*.

Assuming that the legislature ever fixes the problem by putting in a mechanism to object and claim the failure was due to inability to pay, it would make no difference if this rule is adopted because DOL would never be allowed know about the failure to appear or respond.

The rest of the rules seem to center around repayment plans. We already have time pay agreements and the ability extend them, adjust payments downward, upon request and provide relief that the rules purport to establish. Often times, people will request to get put back on repayment plans and then have the same defendants default again. I am already setting monthly payments in the ten dollar range and mitigating fines. I am been very generous un pulling fines out of collections and putting people back on repayment plans, as long as some reason is given for the past failure to comply.

At least my reading of the rule says that if a person defaults, gets sent to collections and later requests to be put back on the plan, the courts are to grant the relief. That raises what should be an obvious question. Assume a collection agency is hired to collect and the result of the agency's efforts is to have the defendant request to get put back on the plan. What possible incentive is there for a collection agency to spend the effort, money, and time to motivate the defendant getting put back on a repayment plan, only to have the collection process stop meaning no compensation? I am not aware of any collection agencies that practice charity.

I echo the concerns raised by the Forms Committee about needing time to respond and prepare the forms, not to mention the apparent conflicts internally with the rules and the Revised Code of Washington . My own thoughts are that the effort behind these proposals seems to be a solution in search of a problem.

We have already seen most of the "teeth" taken out of enforcing the law on traffic infractions. These proposed rules would remove the last of the teeth or nearly so. Maybe this could be simplified by simply passing a rule that says "The courts shall take no action in enforcing traffic infractions." It is simple, easy to interpret, and seems to accomplish the destination we seem to be heading anyway, if these rules are adopted.

Sincerely,

George A. Steele

From: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>

Sent: Thursday, August 11, 2022 9:50:20 AM

To: George Steele; PUBLICDMCJA@LISTSERV.COURTS.WA.GOV; Ashely.Tam@courts.wa.gov; Stephen.greer@Sheltonwa.gov; Patsy Robinson

Subject: RE: Proposed revisions of IRLJ's.

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Your comments have been forwarded to the rules committee.

Thank you,

Receptionist

Supreme Court Clerk's Office

360-357-2077

From: George Steele [<mailto:GSteele@masoncountywa.gov>]

Sent: Thursday, August 11, 2022 9:34 AM

To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>;

PUBLICDMCJA@LISTSERV.COURTS.WA.GOV; Ashely.Tam@courts.wa.gov;

Stephen.greer@Sheltonwa.gov; Patsy Robinson <PatsyR@masoncountywa.gov>

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