

June 30, 2022

VIA EMAIL ONLY

Clerk of the Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
Email: supreme@courts.wa.gov

RE: Proposed Changes to IRLJs

To Clerk of the Supreme Court:

The undersigned organizations and individuals support 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.

Signed,

Organizations:

A Legacy of Equality Leadership and Organizing (LELO)

ACLU-WA

ANEW

Berkeley Law Policy Advocacy Clinic

Chief Seattle Club

Civil Survival Project

Coalition for Rights & Safety for People in the Sex Trade

Coalition of Immigrants, Refugees & Communities of Color (CIRCC)

Columbia Legal Services

El Comite

Evergreen Treatment Services

Faith Action Network

Organizations continued:

FIGHT -Formerly Incarcerated Group Healing Together
IBEW 46 - Electricians union Seattle
Jefferson Associated Counsel
King County Department of Public Defense
Law Enforcement Action Partnership
Legal Counsel for Youth and Children (LCYC)
Living with Conviction
National Association of Social Workers - Washington Chapter
Northwest Community Bail Fund
Northwest Immigrant Rights Project
Northwest Justice Project
OneAmerica
Pacific Islander Health Board
Public Defender Association
Quaker Voice on Washington Public Policy
R3 community services
Skagit Legal Aid
Snohomish County Legal Services
Snohomish County Public Defender Association
Sound Alliance
Standing Against Foreclosure and Eviction
Stevens County Office of Public Defense
TeamChild
The Defender Initiative
The Way to Justice
Transit Riders Union
Transportation Choices Coalition
Unemployment Law Project
United Black Clergy of Washington
WA Drivers Relicensing Taskforce
WA Partners for Social Change
Wallingford Indivisible
Washington Association of Criminal Defense Lawyers
Washington Defender Association
Washington State Budget & Policy Center
Washington State Coalition Against Domestic Violence
Western Washington Masonry Trades Apprenticeship Program
Young Women Empowered

Individuals:

Aidan
Allister A. Adams
Amesha Lawton
Andrea Scarpa
Andrew Ike Ashiofu
Anthony Andrews
Anthony J. Bartenetti
Corliss Samaniego
Cory Walster
David F. Bevers
Dena Alo-Colbeck
Diane Dobrowolski
Elisa Cozad
Elizabela Camacho
Elizabeth Parsons
Eric Kemp
Ewa Paterek
Heidi Whalley
Jac Fitzgerald
Jacqueline Gow
James Ludwig
Jane Hammerstrom
Jason Chenette
Jason Schuyler
Jennifer Askew
Jennifer L Lombardi
Jennifer Velzy
John Carlson Terry
John G. Ziegler
Jorge Quiroga
Julia Whitmore
Karen Peacey
Katherine Westerman
Keith Loken
Keith Weir
Kim Baker
Kirsten Wysen
Krista Mathistad

Individuals continued:

Lee Newgent
Lucia Faithfull
Lynsi Burton
Madison Derksema
Marjorie Gail Hanson
Mark Bradley
Mary Jo Shannon
Mary Kimball
Megan Dunn
Molly Mattingly
Molly Torres
Natalie Pond
Paula Plumer
Peter Ireland
Ramona Brandes
Rebecca Errera
Rebecca Saldaña
Rommel Marquez
Ronald E. Sergi
Scott L. Keeline
Seamus Brugh
Shawn K. Bunnag
Sheri M. Oertel
Stephen Anderson
Suzanne M.B. Hayden
Teresa
Therese Norton
Tim Stetter

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Subject: FW: Support of 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
Date: Thursday, June 30, 2022 12:39:41 PM
Attachments: [image001.png](#)
[2022.06.30 IRLJ Sign-on_Org+Ind.pdf](#)

From: Therese Norton [mailto:therese.norton@nwjustice.org]
Sent: Thursday, June 30, 2022 12:26 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Abigail G. Daquiz <abigail.daquiz@nwjustice.org>; César Torres <Cesart@nwjustice.org>; Karen Campbell <karenc@nwjustice.org>; Mark Cooke <mcooke@aclu-wa.org>
Subject: Support of 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

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Please see the attached letter in support of 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. Fifty organizations and sixty-six individuals have signed on to the letter. Thank you for your consideration.

Therese Norton | Staff Attorney

Pronouns: she/her/hers

Northwest Justice Project

1814 Cornwall | Bellingham, WA 98225

Phone: 360-734-8680 | **During COVID-19 Fax Number 1-206-299-3025**

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