



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

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December 1, 2017

The Honorable Mary E. Fairhurst
Chief Justice, Washington Supreme Court
PO Box 40929
Olympia, WA 98504

The Honorable Jay Inslee
Governor, State of Washington
PO Box 40002
Olympia, WA 98504

The Honorable Mike Padden
State Senator, 4th District
PO Box 40404
Olympia, WA 98504

The Honorable Jamie Pedersen
State Senator, 43rd District
PO Box 40443
Olympia, WA 98504

The Honorable Laurie Jinkins
State Representative, 27th District
PO Box 40600
Olympia, WA 98504

The Honorable Jay Rodne
State Representative, 5th District
PO Box 40600
Olympia, WA 98504

RE: Recommended Plan and Program Addressing the Consolidation of Traffic-Based Financial Obligations as Required by Substitute Senate Bill 6360 (2016)

Dear Chief Justice Fairhurst, Governor Inslee, Senators Padden and Pedersen, and Representatives Jinkins and Rodne:

My office has taken the initiative to address a problem affecting tens of thousands of Washingtonians. Specifically, the existing method for collecting traffic-based financial obligations imposes a structural barrier that inhibits some Washingtonians from being able to restore their driving privileges with a single reasonable monthly payment towards their outstanding obligations. Data from the Department of Licensing shows that approximately 50,000 individuals are legally prohibited from driving due to multiple outstanding driver's license suspensions for failure to respond or pay issued by more than one court of limited jurisdiction. Paying their outstanding obligations would allow these individuals to restore their driving privileges.

There is ample evidence that driver's license suspensions have a disproportionate impact on the economically vulnerable and on racial minorities. Those with limited means can have a harder time absorbing the cost of fines associated with traffic violations, and there are concerns that license suspensions contribute to cycles of poverty and penalization. In addition, reports on the racial disparity that exists in Washington's justice system specifically discuss how that disparity extends to the enforcement of traffic violations. The structural barrier of the current approach – which involves having to negotiate and



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manage multiple payment plans in different locations – contributes to the challenges vulnerable individuals face in getting their driving privileges restored.

To address this problem, I requested, and the Washington State Legislature passed and the Governor signed Substitute Senate Bill (SSB) 6360 during the 2016 legislative session. This legislation directed my office to submit a report presenting recommendations for a plan and program to enable the consolidation of traffic-based financial obligations across Washington jurisdictions. That report is enclosed.

Based on feedback from a stakeholder work group, I recommend that the State Legislature adopt legislation to enable the consolidation of traffic-based financial obligations. The report highlights a structural barrier that can and should be addressed; the report should not just gather dust on a shelf. For this reason, my office is drafting agency-request legislation for the 2018 legislative session to authorize a program that allows for the consolidation of traffic-based financial obligations.

I recommend that Washington implement a program to enable the consolidation of traffic-based financial obligations. Under the program proposed in this report, we can reduce the number of driver's license suspensions in effect at any given time, which will in turn reduce the number of prosecutions for driving while license suspended in the third degree and improve collection rates for financial obligations imposed because of traffic violations.

As set out in the enclosed report, establishing a program to consolidate traffic-based financial obligations avoids penalizing people for their poverty and instead helps facilitate compliance in a way that alleviates the economic challenges associated with driver's license suspensions.

The program described in the report can co-exist with and supplement the existing method of collecting traffic-based financial obligations. The recommended program increases options for qualifying individuals, while still encouraging them to satisfy their obligations as quickly as possible. The recommended program is narrowly-tailored to help facilitate compliance for those left behind by the current method for collection. As such, the approach also should be a way to improve collection rates at minimal cost.

Put simply, the approach recommended in the enclosed report has the potential to improve the lives of thousands of Washingtonians. I look forward to working with you on this important issue in the upcoming legislative session.

I want to express my appreciation for the individuals who contributed to the stakeholder work group that helped inform my recommended plan and program, and to the stakeholder organizations and agencies they represented. Over many months, these

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individuals and organizations committed their time, ideas, and energy to this important effort. That contribution was indispensable to many instructive and productive discussions throughout the process, and to the final product. I also want to recognize Assistant Attorney General Travis Alley for his work as primary author of this report and his leadership of the stakeholder work group.

Thank you in advance for considering my recommendations and, as always, for your service to the people of the State of Washington. Please feel free to contact me or my Legislative Director, Yasmin Trudeau (YasminC@atg.wa.gov) if you have any questions.

Sincerely,



BOB FERGUSON
Attorney General

cc: Washington State Senator Steve O'Ban
Washington State Senator Reuven Carlyle
Washington State Senator Marko Liias
Washington State Senator David Frockt
Washington State Senator Curtis King
Washington State Senator Kirk Pearson
Washington State Senator Bob Hasegawa
Washington State Senator Maralyn Chase
Washington State Senator Jan Angel
Washington State Senator Jeannie Darneille
Washington State Senator Lynda Wilson
Washington State Senator Manka Dhingra
Washington State Representative Drew Hansen
Washington State Representative Christine Kilduff
Washington State Representative Roger Goodman
Washington State Representative Dick Muri
Washington State Representative Paul Graves
Washington State Representative Larry Haler
Washington State Representative Steve Kirby
Washington State Representative Brad Klippert
Washington State Representative Tina Orwall
Washington State Representative Matt Shea
Washington State Representative Javier Valdez
Tim Ford, Committee Counsel, Senate Law and Justice Committee
Edie Adams, Committee Counsel, House Judiciary Committee
Keith Phillips, Policy Director, Office of the Governor
Susan Carlson, Clerk, Washington Supreme Court
Sarah Bannister, Deputy Secretary of the Senate
Bernard Dean, Chief Clerk, House of Representatives