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**Work Group Perspectives and Propositions**

**WORK GROUP PERSPECTIVES**

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The propositions and associated comments set forth below reflect the input and feedback offered by the work group regarding the development of a potential plan and program for consolidating traffic-based financial obligations. The propositions are presented in two sections to identify those for which consensus was reached and those for which there was majority but not unanimous support. The propositions are numbered solely to aid in identification.

Under Substitute Senate Bill 6360 (2016), which was requested by the Attorney General, the Attorney General's Office (AGO) was responsible for providing a forum for stakeholders to discuss this issue, developing a recommended plan and program based on that feedback, and transmitting this report. The recommendation to adopt a program that would enable the consolidation of traffic-based obligations is the Attorney General's. Notably, a proposition addressing whether a program to consolidate traffic-based financial obligations should be established at all is not among the propositions below, even though this issue was the subject of much work group conversation. Some work group members and their respective constituencies may feel strongly that some version of the program should be adopted; whereas some work group members and their respective constituencies may feel such a program is not needed. Accordingly, all the propositions below are presented as conditional statements because that is how the work group considered them.

The propositions of the work group are presented here under categories developed by the AGO, based on themes arising from the group's input and feedback throughout the process.

**I. Consensus Propositions**

COURT EFFICIENCY

- 1) If a program to consolidate traffic-based financial obligations is established, the administration of the program should not be unduly complicated or onerous.**

This proposition reflects concerns expressed by work group members that any program should not be overly bureaucratic. The concern about a top-heavy program closely coincides with the apprehension that any program may not be fiscally viable and would require either an additional allocation of limited resources or a reallocation of existing resources. Work group participants generally agreed that a key aim should be to design a program capable of supporting itself.

- 2) If a program to consolidate traffic-based financial obligations is established, and if a public entity is given responsibility for such a program, that public entity should have the ability to contract with private entities, including collection agencies or**

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**accounts receivable companies, for the purpose of collecting the traffic-based financial obligations consolidated under such a program.**

Work group participants generally acknowledged that the primary function of courts of limited jurisdiction is to adjudicate cases, not to manage payment plans or collect debts. Consequently, the majority of courts of limited jurisdiction contract with private collection agencies to perform these functions. These private entities provide a service to the various courts of limited jurisdiction, and by proxy to the public served by those courts, and collection costs recouped by those companies represent the compensation provided for that service. In short, collection agencies work for the court; courts are authorized to manage their own payment plans if they think they can do a better job for cheaper, but are also authorized to utilize the specialty services provided by collection agencies in a public-private partnership. Work group participants agreed that the design of any program should include a provision for similar contracting authority.

- 3) If a program to consolidate traffic-based financial obligations is established, evaluation metrics should be concurrently established to allow evaluation of the program's success in meeting its stated goals.**

Part of the work group process involved collecting and synthesizing information from various sources, making work group participants recognize the importance of having clear and reliable data. Work group members also generally agreed that data collected and metrics used should allow for ongoing evaluation of the success of any program. For these reasons, work group participants agreed that evaluation metrics should be articulated concurrently with the design of any proposed program.

- 4) If a program to consolidate traffic-based financial obligations is established, it should not supplant the authority or ability of local courts of limited jurisdiction to establish and administer local relicensing programs.**

Work group participants were sensitive to the concern of the autonomy of local jurisdictions, at both the municipal and county level, to make certain policy and operational decisions. Current law permits courts of limited jurisdiction to establish local relicensing programs. The jurisdictions currently operating such programs do so because a local determination was made that it served the public interest. The consensus of work group participants was that local programs should remain in place and the design of any statewide program should contemplate and complement the existing local infrastructure rather than somehow supersede it.

- 5) If a program to consolidate traffic-based financial obligations is established, the program or its administering entity should not have authority to waive or reduce**

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**the amount of the traffic-based financial obligation originally imposed by a court of limited jurisdiction.**

Current law allows local courts of limited jurisdiction to waive, suspend, or reduce certain traffic-based financial obligations in some circumstances, and work group members agreed that such discretion is, and should only be, within the purview of the courts themselves. As such, work group participants all agreed that the design of any program should make clear that only the initial court (or appellate court) imposing a traffic-based financial obligation could reduce the amount of that order. The term “administering entity” in this proposition could potentially be a collection agency (See Proposition #2 above).

- 6) If a program to consolidate traffic-based financial obligations is established, it should incorporate any cost or pecuniary penalty imposed by courts of limited jurisdiction for both civil and criminal traffic violations.**

There is no existing statutory definition for traffic-based financial obligations; the term used in SSB 6360. In agreeing to a working definition for purposes of discussion, work group members effectively had a conversation about the types of traffic violations that should be eligible for inclusion in any program for consolidation and unified payment. Work group members discussed, for example, whether the program should be narrow, including obligations only associated with moving violations, or if the program should be broader, including traffic misdemeanors and all infractions, including parking violations. Work group members ultimately agreed that any program design should allow for the consolidation of financial obligations imposed by courts of limited jurisdiction in all traffic misdemeanor and infraction cases, but that the program should not be designed to incorporate parking violations.

- 7) If a program to consolidate traffic-based financial obligations is established, the program should be available to participants regardless of whether the person faces a pending criminal charge for driving while license suspended in the third degree.**

In general, work group participants agreed that any program to consolidate traffic-based financial obligations statewide should only address such obligations post-adjudication. There was a collective understanding that the legislative directive was focused on consolidating traffic-based financial obligations, and that these are imposed at the conclusion of the adjudication process. Consequently, the consensus of the work group was for any potential program to be designed to not require a pending criminal charge as a condition of eligibility.

- 8) If a program to consolidate traffic-based financial obligations is established, the program should be compatible and adaptable to work with existing or planned technology and infrastructure used by courts of limited jurisdiction.**

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This proposition reflects the understanding of work group participants that any program will need to be implemented into an existing system. As such, work group members were in agreement that any program should be designed to be both compatible and adaptable to technology solutions utilized by the courts now and in the future.

- 9) If a program to consolidate traffic-based financial obligations is established, the license reinstatement and suspension process, and the communication between DOL and the courts, should remain substantially similar to the current process.**

There is an existing system for how courts communicate orders for license suspensions to DOL that triggers DOL's administrative suspension process. Work group participants generally thought that the existing system works well. As such, work group participants reached consensus that it would be best for any program to be designed in such a way that it leaves the existing license suspension and reinstatement process in place, including the way DOL and courts communicate.

- 10) If a program to consolidate traffic-based financial obligations is established, administrative fees to cover the cost of servicing the program should be allowed and any increases in such fees should be directly tied to program costs.**

This proposition reflects the understanding among work group participants that fines and fees for participating in a payment plan are necessary for sustaining the infrastructure that makes such payment plans possible, even though defendants can end up paying more than they would have if they paid all at once. Still, there was concern among many work group participants that some of the state's most economically vulnerable residents are more likely to be among those individuals with outstanding traffic-based financial obligations, and that adding on fees could be characterized as a kind of "poor tax." The synthesis of these two notions is reflected in the proposition that any program should be designed in a way to prevent increases in fees beyond reasonable program administration costs. It would be the responsibility of the public entity accountable for the program to make sure this is the case, even if there is a contract with a private entity for program administration.

- 11) If a program to consolidate traffic-based financial obligations is established, payments should first be applied to applicable reasonable administrative fees before being applied to the underlying traffic-based financial obligations.**

Work group participants generally agree that the viability of any program is a necessary condition for the public to receive any benefit from a program. As a result, any program should be designed to prioritize itself from the stream of revenue it generates.

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- 12) If a program to consolidate traffic-based financial obligations is established, monies collected under such a program should be distributed equally and contemporaneously to appropriate courts on a periodic basis.**

Work group members considered and discussed various options for how revenue collected under any program should be allocated. Traditionally, courts collect revenue independently of one another so there is no need for an apportionment formula. Work group participants considered apportioning the revenue on a percentage basis, but agreed that the revenue should be split evenly by the number courts to which a program participant owes outstanding traffic-based financial obligations. This approach is used by some local relicensing programs that incorporate multiple jurisdictions. For example, if a program participant owes two courts, Court A and Court B, and pays monthly, Court A and Court B would each get half monthly payment after subtracting the monthly maintenance fee. The same would be true if the participant owes Court A for three unpaid infractions, but only owes Court B for one. It is also important to make clear that “contemporaneously” in this context means that revenue is transmitted to courts at the same time relative to each other, and should not be interpreted to mean that revenue needs to be transmitted contemporaneously with when the program administrator receives it. Rather, the distribution can be on a set periodic basis, such as monthly.

PUBLIC SAFETY

- 13) If a program to consolidate traffic-based financial obligations is established, it should be designed to be as successful as possible at facilitating the payment of traffic-based financial obligations and the reinstatement of driving privileges, but should also be designed in a way to not negatively impact public safety on the roads and highways.**

Work group members generally acknowledged the importance of public safety on Washington’s roads and highways, and were in consensus that the design of any program should not negatively impact public safety.

- 14) If a program to consolidate traffic-based financial obligations is established, it should not provide for the reinstatement of driving privileges for any person subject to a statutorily provided period of mandatory suspension.**

Work group members all agreed that it was beyond the scope of the legislative directive to recommend in any way a reduction of the term of any mandatory period of license suspension. In this proposition, work group participants echoed support for continuing with existing practice by

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DOL to apply the longest term of suspension when multiple suspension orders issue from the same occurrence, and to apply each suspension independently from the date of conviction.

- 15) If a program to consolidate traffic-based financial obligations is established, the program should be designed so as to avoid incentivizing the commission of new traffic infractions or offenses so a person can qualify or become eligible for the program.**

Work group members discussed making the existence of multiple FTA suspensions as a condition of eligibility for enrollment in the program. Some work group participants articulated concerns, however, that persons with only one FTA suspension who may not be able to obtain a payment plan locally, would have an incentive to intentionally seek a moving infraction in another jurisdiction so they could then be eligible for the program. There was consensus among work group participants that any program design should be mindful of creating incentives for behavior that could put the public at greater risk.

- 16) If a program to consolidate traffic-based financial obligations is established, program participants that intentionally provide false information to the program administrator regarding insurance coverage in accordance with program requirements should be terminated from the program.**

There was considerable discussion among work group participants surrounding the issue of liability insurance. All work group participants acknowledged that Washington State mandates some form of liability insurance for drivers. Current law provides that a person who knowingly provides false information of liability insurance or other proof of financial responsibility to a court or law enforcement is guilty of a misdemeanor. Work group members agreed that intentionally providing false information regarding insurance coverage is a serious matter and warrants some manner of consequences.

FACILITATING COMPLIANCE

- 17) If a program to consolidate traffic-based financial obligations is established, the program should be as accessible as possible, with information about the program provided through multiple channels, provided that associated costs do not undermine the program's goals.**

Work group members were comfortable with a program design that requires participants to proactively seek to enroll in the program, and work members recognized that this meant it was unlikely program participants would only become aware of the program through a single means or point of referral. At the same time, any program would not likely be able to sustain the

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overhead associated with maintaining a statewide physical presence. As such, work group members agreed that information about the program should be available through multiple channels, but that any program design should not sacrifice viability for accessibility.

- 18) If a program to consolidate traffic-based financial obligations is established, the program’s application and intake process should not be unduly complicated or onerous.**

This proposition echoes sentiments concerning bureaucracy, but also reflects an interest among work group participants to consider the program from a user perspective. There was also the opinion among some work group participants that the target population may include individuals that experience procedural hurdles as barriers. The resulting proposition reflects the work group’s agreement that any program should be designed to be easy to navigate.

- 19) If a program to consolidate traffic-based financial obligations is established, an application form should be developed to collect information necessary to administer the program.**

Work group members generally acknowledged the importance of having or developing the tools and resources necessary to implement any potential program. It was agreed that the design of any program should provide for a standardized application process, enabling potential participants to understand in advance what information they need to provide to initiate a consolidated payment plan.

- 20) If a program to consolidate traffic-based financial obligations is established, the program’s application materials should include a participation agreement that details the information of the program and its requirements, explains what happens if the participant fails to comply with the agreement, and includes an express acceptance of the program terms.**

Work group participants generally agreed that any potential program design should incorporate an element that provides potential participants with disclosure of all program conditions and obligations, and that such disclosure should be reduced to writing and provided in advance. In this sense, there was consensus to the spirit of the proposition. That said, some specific input and feedback received by the AGO is that the term “agreement” should be stricken and replaced with “disclosure” and the term “acceptance” should be stricken and replaced with “acknowledgment.”

- 21) If a program to consolidate traffic-based financial obligations is established, applications submitted by prospective program participants should be reviewed and**

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**processed in a timely fashion, and participants should be informed of expected next steps and the process and timeline for the reinstatement of driving privileges.**

This proposition stands for the generally accepted notion that the program administrator, effectively working for the public, should be responsive to and respectful of potential program participants. Acknowledging the application and providing transparent information about the process may help program participants feel like the system is working with them instead of against them, which could be an important intangible factor in participants successfully completing the program. Work group members agreed that any program design should set clear expectations for timely review of applications and other communication.

**22) If a program to consolidate traffic-based financial obligations is established, any payment plan policy for the program should be transparent, accessible, easy to understand, and consistently applied.**

This proposition in some ways echoes a fairly common sentiment; that similarly situated individuals should be treated similarly. Some work group participants shared anecdotal experiences about achieving different degrees of success in negotiating payment plan arrangements in different courts before different judges. Some work group members also were of the opinion that potential participants could benefit from greater transparency and predictability of payment plans. Work group members agreed that any program design should include provisions that promote increased availability and understanding of the relevant payment plan policy.

**23) If a program to consolidate traffic-based financial obligations is established, eligibility should not be conditioned on income thresholds, but income should be allowed to be a consideration setting payment plan amounts.**

Work group participants discussed conditioning program eligibility based on income, but ultimately agreed that program eligibility should not be conditioned on income. Some work group members expressed the opinion that income thresholds for eligibility would be unnecessary because it would be less expensive for those with adequate means to just pay instead of incurring additional monthly payment plan fees. Other members expressed concern that income, while an important factor, does not necessarily reflect true ability to pay; even individuals with high incomes can have tight monthly budgets because of other important obligations, such as medical or student loan debt or high housing costs.

**24) If a program to consolidate traffic-based financial obligations is established, as much as possible, payment amounts should be based on an individualized determination of ability to pay, but it is appropriate to establish some level of**



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**minimum monthly payment amounts in the interest of generating predictable revenues to facilitate the viability of whatever entity administers the program.**

Current law defines payment plan as a plan that requires reasonable payments based on the financial ability of the person to pay. Work group participants agreed that there is some amount so low as to be unreasonable. A monthly payment amount of one penny (\$0.01), for example, is incapable of covering the costs associated with such a payment amount. Some work group members felt that the payment amounts should at least be larger than the costs associated with payment processing. That said, not everyone is in the same financial position, which is why assessing each individual's ability to pay is so important for courts.

**25) If a program to consolidate traffic-based financial obligations is established, there should be a payment plan agreement, written in plain language that can be easily understood, which includes all relevant terms.**

As discussed above, work group members generally reached consensus on the idea that any program should memorialize executed payment plans in writing. There was some specific feedback, however, suggesting that the term "agreement" be stricken from the proposition.

**26) If a program to consolidate traffic-based financial obligation is established, program participants should be able to make payments in a convenient manner, and any convenience fees assessed for processing payments in a particular manner should be limited to actual costs associated with processing payments in that manner.**

This proposition synthesizes two distinct thoughts. First, that program participants should experience flexibility in terms of the manner in which they can make payments. Second, that there are costs associated with accepting certain forms of payment, such as a credit or debit card. Payment processing costs currently can be, and often are, passed along to defendants or consumers. The work group consensus was that persons provided with different options for payment will choose what they feel works best for their circumstances, both in terms of dollars and convenience. Again, there was consensus for the spirit of the proposition, but there was some concern that certain payment processing costs are not always known at the time of the transaction because payment processing companies change the price depending upon a multitude of factors.

**27) If a program to consolidate traffic-based financial obligations is established, program participants should be terminated for not making payment obligations in accordance with the governing payment plan policy.**

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There was consensus among work group participants that persons who fail to pay as agreed once enrolled in the program should be terminated from the program for default. While all agreed that it was important to pay in accordance with the governing payment plan policy, there was some difference of opinion for how lenient that policy should be. Some work group participants, for example, suggested a payment plan policy that would allow program participants to skip December's payment in time for the holidays. Other work group members advocated initially for very strict compliance. Ultimately, work group participants found consensus with the above proposition and the corresponding notion that the governing policy should provide some degree of leniency, such as allowing for a certain number of late payments, but not so much that program participants can effectively ignore the payment plan administrator without concern.

**28) If a program to consolidate traffic-based financial obligations is established, a program participant should be allowed to request modification to the payment plan upon changed circumstances.**

This proposition covers two potential circumstances discussed by work group participants. First, work group participants considered and discussed what should happen if a potential program participant obtains a new traffic-based financial obligation while participating in the program. The work group was in general agreement that a program that prevented including new traffic-based financial obligations into the consolidated plan would be undercutting its purpose. Second, work group members also discussed how to address instances where a person who executed a payment plan agreement suffers an unexpected loss of income. There was general consensus that in both these instances modification would be warranted, and any program design should include provisions allowing for modification based on intervening events.

**29) If a program to consolidate traffic-based financial obligations is established, persons subject to traffic-based financial obligations should be aware of any statutory right they may have to potentially enter into a payment plan through the court as an alternative to a statewide program, and should also be aware of any local procedures that exist to request courts to waive previously imposed fines.**

As discussed in previous comments to these propositions, work group participants generally preferred that any program design complement existing programs and not intrude into the autonomy of local courts. Some work group participants even expressed a preference that matters be dealt with locally first. The proposition thus reflects the idea that, in some instances, a person potentially eligible for any statewide program should be aware that he or she may be able to get a payment plan arrangement with better terms through the local court or locally contracted collection agency. This proposition also stands for the view expressed by many work group members that local courts of limited jurisdiction should be more forthcoming and transparent about how defendants can obtain payment plans.

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- 30) If a program to consolidate traffic-based financial obligations is established, any person participating in the program should retain any rights provided elsewhere by law to contest the imposition and enforcement of traffic-based financial obligations on the basis of indigence with the court originally imposing the obligation.**

Work group participants often discussed means for improving collection rates among individuals with outstanding traffic-based financial obligations, but also recognized that defendants have the right to properly contest such obligations. No work group participant expressed the opinion that any potential program should somehow inhibit participants from seeking to exercise whatever rights they have in the appropriate venue; the various courts of limited jurisdiction that originally ordered the payment of traffic-based financial obligations.

**II. Majority Propositions**

COURT EFFICIENCY

- 31) If a program to consolidate traffic-based financial obligations is established, all courts of limited jurisdiction should be required to participate, and courts should retain the authority to administer local payment plans and programs.**

Work group participants were sensitive to the perspective that a statewide program to consolidate traffic-based financial obligations may be seen as intruding on the discretion, independence, and autonomy of local jurisdictions. A majority of work group participants expressed the opinion, however, that any program needs to be able to consolidate obligations from all courts. The concern these work group members expressed is that, if given the ability to opt-out, courts of limited jurisdiction that did so would be able to leverage the ability to uniquely suspend driving privileges. As a result, prospective program participants would effectively be forced to deal with obligations imposed by a court that opted-out before obligations from the other courts. A minority of work group participants expressed the opinion that courts of limited jurisdiction should not be required to participate, but believe courts should instead have the option to join.

- 32) If a program to consolidate traffic-based financial obligations is established, a person should be eligible to participate in the program if he or she has either:**
- **a) More than one order for a license suspension issued pursuant to RCW 46.20.289 in effect on his or her driving abstract at the time of application, or**
  - **b) At least one order for a license suspension issued pursuant to RCW 46.20.289 in effect on his or her driving abstract at the time of application and owes traffic-based financial obligations totaling over a specified amount.**

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Work group participants considered the question of eligibility on a number of different occasions. Some work group members believe that any potential program should have eligibility that allows for the inclusion of more persons; essentially everyone with traffic-based financial obligations. Some work group participants expressed general agreement with the proposition above and wanted to include a specific dollar figure in the proposition, such as \$500 or \$1,000. On the other hand, some work group participants believe that eligibility for any program should be exclusive to persons with multiple orders for license suspension who are also in the circumstance where the accounts associated with those orders have been assigned to more than one collection agency.

**33) If a program to consolidate traffic-based financial obligations is established, the payment plan policies for the program should not be established by statute.**

Work group participants discussed the relative merits of codifying a payment plan policy. Some work group participants proposed, for example, including payment amounts and thresholds to determine those amounts in statute. A majority of the work group participants, however, articulated concerns with that approach. Perhaps primary among the concerns was that codifying the policy would subsequently require navigating the legislative process if the payment plan policies need to be adjusted. A majority of work group participants indicated support for a program designed to have the governing payment plan policies set by other than statutory means, such as by Supreme Court rulemaking.

#### PUBLIC SAFETY

**34) If a program to consolidate traffic-based financial obligations is established, program participants who, during their participation, are convicted or found to have committed specifically identified behavior that raises significant public safety concerns should be subject to consequences beyond what is provided elsewhere by law, including termination from and loss of eligibility for the program.**

This is another issue the work group participants spent considerable time discussing. Some work group participants reinforced the idea that traffic violations serve as important reminders to violators that they need to be more considerate of public safety. According to the opinions of some work group participants, these reminders are more likely to be effective if the consequences for certain violations actually feel consequential. Some work group members shared the perspective that being eligible for license reinstatement while on a payment plan is a privilege for those individuals, and they should consequently be held to a higher standard during the period of their participation in any program. On the other hand, the potential program merely helps individuals address the financial obligations associated with such violations. Moreover, the legislature has prescribed the potential penalties for each traffic violation, so there is no need to

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sacrifice an otherwise successful payment arrangement in the name of public safety when there is no loss of opportunity for courts to impose appropriate driving privilege sanctions according to existing law. Work group participants not in favor of the above proposition also pointed out that for the type of suspensions under discussion – FTA suspensions – additional consequences are not something faced by individuals with the means to pay right away. For individuals with the means to pay, the matter is resolved and the license is either retained or reissued without question or ongoing monitoring. Ultimately, a majority of work group participants supported the proposition above. However, the proposition is written generally because a majority of work group participants could not agree on the list of precise behaviors raising significant public safety concerns that should result in termination from the program.

- 35) If a program to consolidate traffic-based financial obligations is established, a concurrent policy should be established requiring courts of limited jurisdiction to adopt their own payment plan policies regarding, and provide information to the public explaining, how defendants can request a payment plan from the court.**

Work group members appreciated that current law requires courts to enter into payment plans when the court, in its discretion, finds a defendant is unable to pay. Some work group members, however, conveyed the impression that not all courts make ability to pay determinations in all instances. Work group members were in consensus that any program design should not intrude on the discretion allowed courts of limited jurisdiction, but there was interest in more transparency for the public in terms of how defendants can request relief from the courts. Indeed, a majority of work group participants supported the proposition that any program design should contemplate how payment plans could potentially be established earlier, to help prevent circumstances where the jurisdictional barrier arises and there are multiple unpaid traffic-based financial obligations to consolidate. Other work group participants acknowledged that there are no standard procedures in place by the various courts of limited jurisdiction, but still believed that this proposition was unnecessary.

- 36) If a program to consolidate traffic-based financial obligations is established, providing evidence of valid liability insurance or other financial responsibility as required by RCW 46.30.020 should be a condition of license reinstatement through the program, and participants should be required to provide such evidence to the program administrator in the format specified under RCW 46.30.030 within a reasonable period of time.**

The issue of insurance was the subject of a number of conversations among work group participants. Some generally disagreed that the proposition above was appropriate; no one checks the validity of insurance before lifting the license suspension for drivers with the means to pay at the outset. Still, all work group members recognized that carrying liability insurance is

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mandatory in Washington. On the other end of the spectrum, some work group participants advocated for ongoing and systemic monitoring of potential program participants, and encouraged the work group to adopt a proposition requiring participants to acquire SR-22 policies so the state is sent regular updates about the validity of liability insurance carried by program participants. Also discussed was the concept of making insurance a requirement for program eligibility. A majority of work group participants eventually settled on the proposition that any potential program design should allow for payment plan participation without having to prove insurance, but that it must be accomplished at some point to realize the benefit of driver's license reinstatement from the program.

#### FACILITATING COMPLIANCE

- 37) If a program to consolidate traffic-based financial obligations is established, being terminated from the program too many times in a specified period of time should disqualify prospective participants for a reasonable period of time thereafter.**

Some work group members expressed the perspective that there should not be a period of ineligibility because, if the program is authorized to assess a one-time establishment fee, having to pay that fee again following termination would serve as a sufficient disincentive for being terminated from the program. A majority of work group participants, however, supported the proposition that while termination should not necessarily perpetually bar individuals from participating in any potential program, too many terminations in a short period of time is a warning sign that should not go unheeded.

- 38) If a program to consolidate traffic-based financial obligations is established, any governing payment plan policy may include provisions requiring prospective participants seeking to establish a payment plan to provide an initial amount larger than the monthly payment amount to establish the payment plan.**

This proposition reflects input and feedback from various work group members on two different fronts. First, some work group participants expressed concern about requiring a large amount upfront because it may be difficult for some potential program participants – particularly the most economically vulnerable – to acquire the necessary funds. Second, some work group members were concerned that the proposition above would be interpreted as requiring a down payment above and in addition to the one-time establishment fee. A number of work group participants shared the perspective that requiring an amount larger than the monthly payment amount is important to any program's success because it represents an investment by the participant that demonstrates their commitment to resolving the outstanding traffic-based financial obligations. With the understanding that the initial larger amount is inclusive of the one-time payment plan establishment fee, a majority of work group participants supported the

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proposition that any program should allow the program administrator to require a larger amount in the first month than in subsequent months.

- 39) If a program to consolidate traffic-based financial obligations is established, it should be designed in a way to allow for the provisional suspension of a portion of previously charged collection costs, fees, and interest, with such provisionally suspended costs, fees, and interest waived upon successful completion of the program.**

Work group participants had a number of perspectives about what should happen to previously incurred collection fees and interest when the outstanding traffic-based financial obligations are consolidated through any potential program. Some work group participants advocated that fees and interest should not be waived or suspended in any way, unless by a competent court of limited jurisdiction under existing authority. Other work group participants believed the suspension of fees and interest to be the carrot necessary to bring these individuals “out from the cold” and get them making payments. Ultimately, a majority of work group members supported the proposition that any potential program design should allow for the suspension of such fees and interest, but perhaps not in the entirety in every instance. Work group members agreed that the previously suspended costs, fees, and interest should be reinstated if participants did not successfully complete the program.