

# HOUSE BILL REPORT

## SSB 5266

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*As Passed House  
April 19, 1991*

**Title:** An act relating to motor vehicles.

**Brief Description:** Restructuring penalties for driving while suspended.

**Sponsor(s):** Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, McMullen, Owen and A. Smith).

**Brief History:**

Reported by House Committee on:  
Judiciary, April 2, 1991, DP;  
Passed House, April 19, 1991, 96-0.

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**HOUSE COMMITTEE ON  
JUDICIARY**

**Majority Report:** *Do pass.* Signed by 17 members:  
Representatives Appelwick, Chair; Ludwig, Vice Chair;  
Padden, Ranking Minority Member; Paris, Assistant Ranking  
Minority Member; Belcher; Broback; Hargrove; Inslee;  
R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate;  
Vance; and Wineberry.

**Staff:** Bill Perry (786-7123).

**Background:** State law contains a variety of crimes related to driving without a license. These crimes vary both as to the way in which they may be committed and as to the way they may be punished. Generally, punishments are more severe for repeat offenders, and offenders who are driving while they have already had their licenses suspended or revoked for previous offenses.

A task force of judges, prosecutors, defense attorneys, the state patrol and the Department of Licensing has recommended some restructuring of the statutes relating to driving without a license.

Property, including motor vehicles, that is used in connection with drug law violations or racketeering may be seized and forfeited to the government.

**Summary of Bill:** The crime of driving with a suspended or revoked license is restructured into three degrees.

- o The first-degree crime is a gross misdemeanor with mandatory minimum penalties that escalate with repeat offenses and may not be suspended or deferred. The crime involves driving without a license when the driver has already been found to be an habitual offender.
- o The second-degree crime is also a gross misdemeanor, but without the mandatory minimum penalties of the first-degree crime. This degree of the crime involves driving while a license has been suspended or revoked for various offenses, other than being found to be an habitual offender. This degree does not cover instances in which a driver is apprehended after the period of suspension or revocation has passed but before the driver's license has been reinstated.
- o The third-degree crime is a misdemeanor without mandatory minimum penalties. This degree of the crime involves driving without a license following a period of suspension or revocation but before the driver has had his or her license reinstated.

A motor vehicle that is owned and operated by a person whose driver's license has been suspended or revoked may be seized by a law enforcement agency. A seized vehicle is subject to forfeiture in an administrative or judicial civil proceeding. Forfeiture is not dependent on criminal charges being filed against the driver of the vehicle, and the burden of proof is on the owner to show that he or she has a right to the vehicle.

An agency to whom a vehicle is forfeited may keep or sell the vehicle. If the vehicle is sold, the proceeds go first to cover the expenses of seizure and forfeiture. Of the remaining proceeds, 75 percent is retained by the seizing agency and 25 percent goes to the Highway Safety Fund.

**Fiscal Note:** Available.

**Effective Date:** Section 9 takes effect April 1, 1992. The remainder of the bill takes effect ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Witnesses:** None.