

SENATE BILL REPORT

SB 5719

As Reported By Senate Committee On:
Transportation, March 4, 1997

Title: An act relating to drivers' licenses.

Brief Description: Clarifying and making technical corrections to driver's license statutes.

Sponsors: Senators Haugen, Wood, Newhouse and Winsley; by request of Department of Licensing.

Brief History:

Committee Activity: Transportation: 2/20/97, 3/4/97 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Staff: Jennifer Joly (786-7305)

Background: SB 5719 is aimed primarily at clarifying procedural issues and making technical corrections to the driver's license statutes.

Currently, the Department of Licensing's (DOL's) photo negative file is available to official government enforcement agencies to assist in the investigation of suspected criminal activity. The DOL is also authorized to provide a print from the file to a driver's next of kin in the event the driver is deceased.

In the 1994 Youth Violence Prevention Act, the Legislature amended RCW 46.20.265 such that multiple driver's license revocations, for minors convicted of repeated alcohol, drug and firearm offenses, run consecutively. However, due to a drafting oversight, the portion of RCW 46.20.265 pertaining to driver's license reinstatement was not accordingly amended.

The statute specifying the appeal process following a determination by DOL that a driver's license should be suspended or revoked following an arrest for driving under the influence provides that the appeal be filed "in the same manner as an appeal from a decision of a court of limited jurisdiction." Generally, this provision has been interpreted to mean that the Supreme Court's Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) should apply. However, use of the RALJs has caused confusion in some courts due to the apparent inapplicability of many of the rules to an administrative agency.

In 1995 the Legislature directed the department to waive the \$50 fee for a probationary driver's license when a person who already possesses a probationary license is required to

obtain a new one. The 1995 amendment to abolish the fee does not, however, allow DOL to waive the requirement to obtain a new probationary license, which is merely a duplicate of the one previously issued.

RCW 46.61.503 makes it a crime for a minor to drive a motor vehicle while having an alcohol concentration of 0.02 or more. The implied consent statute, RCW 46.20.308, speaks to whether the minor was driving or in actual physical control of the vehicle.

Summary of Substitute Bill: RCW 46.20.265 is amended to clarify that reinstatement of a juvenile's privilege to drive following a revocation is subject to expiration of the revocation periods prescribed in statute.

The process for appealing a driver's license suspension or revocation following an arrest for driving while under the influence of alcohol or drugs (DUI) is set forth. Namely, notice of appeal must be filed within 30 days after the date the final order is served. The appeal is confined to the record of the administrative hearing. The determination of the superior court is limited to whether the department has committed any errors of law.

The requirement to obtain an additional probationary license upon renewal is abolished.

RCW 46.61.503 is amended to clarify that it is a crime for a minor to be in physical control of, not just driving, a motor vehicle while having an alcohol concentration of 0.02 or more.

Substitute Bill Compared to Original Bill: Current law with regard to the use of DOL's negative file is restored so that it may only be used by official governmental enforcement agencies for the investigation of suspected criminal activity.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is necessary to clarify procedural issues and make technical corrections to statutes relating to driver's licenses.

Testimony Against: Allowing government agencies expanded access to DOL's negative file for purposes of security— is too broad. This access is of particular concern if the state switches to digitized technologies for the production of drivers' licenses because computerized photos can be easily disseminated over the Internet.

Testified: Clark Holloway, DOL (pro); Janeane Dubuar, Computer Professionals for Social Responsibility (con).