

SENATE BILL REPORT

SB 6591

As Passed Senate, February 16, 1998

Title: An act relating to waiver of administrative alcohol or drug-related hearing fees due to indigency.

Brief Description: Providing for waiver of administrative alcohol or drug-related hearing fees due to indigency.

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

Brief History:

Committee Activity: Transportation: 2/5/98 [DP].
Passed Senate, 2/16/98, 47-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

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

Staff: Paul Neal (786-7315)

Background: A person's driver's license is suspended, revoked or placed in probationary status if the person was driving or in physical control of a motor vehicle and (1) has a blood or breath alcohol level in excess of the statutory limit, or (2) refuses to submit to a breath test. A person receiving a notice of suspension has a right to appeal, provided he or she appeals within 30 days and pays a \$100 fee. The fee requirement sometimes impedes appeals from indigent persons who lack the resources to pay.

Summary of Bill: The \$100 filing fee is waived for indigent persons wishing to appeal a driver's license suspension, revocation or probation resulting from failing a breath or blood alcohol test or refusing to take a breath alcohol test.

Appropriation: None.

Fiscal Note: Requested on January 28, 1998.

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

Testimony For: DOL has been advised by its Assistant Attorneys General that federal court decisions regarding constitutional due process rights probably require the department to waive the appeal fee for indigent appellants. Passage of the bill would save the department and the state from having to go to court over the issue, with all of the attendant costs, and losing.

Testimony Against: None.

Testified: PRO: Senator Horn, prime sponsor; Clark Holloway, Jeff Burkhardt, DOL.