

SENATE BILL REPORT

SB 6564

As Reported By Senate Committee On:
Judiciary, February 5, 2004

Title: An act relating to driver's licenses.

Brief Description: Changing provisions relating to driver's licenses.

Sponsors: Senators Kline, Esser, Franklin, Roach, Berkey, Shin, Kastama, Prentice, Brandland, Regala, Johnson, Keiser, Thibaudeau and Winsley.

Brief History:

Committee Activity: Judiciary: 2/5/04 [DPS-HT].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6564 be substituted therefor, and the substitute bill do pass and be referred to Committee on Highways & Transportation.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Under certain circumstances, a person whose driver's license has been suspended or revoked may get an "occupational" license. The authority to drive under such a license is limited to driving that is directly related to employment, training or treatment. Drivers who have had their licenses suspended by the Department of Licensing (DOL) for failure to pay a traffic ticket, driving without insurance, or committing multiple driving offenses within a specified period of time may apply for an occupational license. The person may only apply if he or she is in an apprenticeship or training program that requires a license or has applied for such a program, is enrolled in a WorkFirst program that requires a license, is undergoing substance abuse treatment or attending substance abuse meetings and does not have transit services available to get to and from the treatment or meetings.

If the reason for the loss of license was failure to pay a fine, then the applicant must enter into a payment plan with the court in order for DOL to issue an occupational license. Some courts do not have payment plans.

Summary of Substitute Bill: A person who has had his or her driver's license suspended for failure to pay a traffic ticket, driving without insurance, or committing multiple driving offenses within a specified period of time may apply for an occupational license if the person is gainfully employed and all the other requirements in law are satisfied. If the license suspension is for failure to pay a traffic infraction or conviction, the applicant must enter into a payment plan with the court unless one is not available.

If a court imposes a monetary penalty for a traffic infraction or a monetary penalty results from a misdemeanor citation and that penalty is the subject of a payment plan, the monetary penalty includes any fee, cost, assessment, or other monetary obligation imposed by the court. The court must enter into a payment plan with a person who has been determined by the court not to be able to pay his or her obligation in full only if not more than one year has passed since the effective date of this bill or the date the monetary obligation initially became due. When a court contracts with an outside entity for administration of a payment plan and the court assesses the person a fee for such administrative services, the fee may be calculated on a periodic, percentage, or other basis. It is clarified that if a person is allowed by a court to convert some or all of a monetary obligation to community restitution, it must be a court authorized community restitution program. A person is not eligible to enter into a payment plan if any delinquent amount for a penalty imposed by a court for a traffic infraction or misdemeanor citation has been assigned to a collection agency and legal action has commenced to collect the delinquent amount.

Substitute Bill Compared to Original Bill: The substitute defines a monetary penalty imposed for a traffic infraction or resulting from a misdemeanor citation as including any fee, cost, assessment, or other monetary obligation imposed by the court. Payment plans are required to be an option only if not more than one year has passed since the effective date of this bill or the date the monetary obligation initially became due. The fee that may be charged when an outside entity administers a court's payment plans may be calculated on a periodic, percentage, or other basis. It is clarified that if a person is allowed to convert some or all of a monetary obligation to community restitution, it must be a court authorized program. A person is not eligible to enter into a payment plan if any delinquent amount for a court imposed penalty deriving from a traffic infraction or misdemeanor citation has been assigned to a collection agency and legal action has commenced to collect the debt.

Appropriation: None.

Fiscal Note: Requested on February 4, 2004.

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

Testimony For: There are thousands of people who cannot pay off their fines because they cannot get into a payment plan and cannot get an occupational driver's license to drive to work. This bill will increase revenue to the state and local governments because these fines will be paid. This is a huge first step forward to resolving these unpaid monetary penalties.

Testimony Against: None.

Testified: PRO: Brett Buckley, District & Municipal Court Judges Assn.; Lisa Daugaard, WA Defender Assn., WA Assn. of Criminal Defense Lawyers; Troy Peterson, WA Collectors Assn.; Kevin Underwood, WA Collectors Assn.