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## Transportation Committee

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### SB 6068

**Brief Description:** Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act.

**Sponsors:** Senators Swecker, Haugen, King and Shin; by request of Department of Licensing.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires entry into a deferred prosecution program to be treated as a conviction for commercial driver's license purposes.</li></ul>
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**Hearing Date:** 3/23/09

**Staff:** David Munnecke (786-7315)

**Background:**

A person who has been charged with a misdemeanor or gross misdemeanor may petition the court for entry into a deferred prosecution program if the person alleges that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental health problems. A deferred prosecution program consists of treatment for the underlying problem, along with other conditions that may be imposed by the court. Entry into such a program defers prosecution for the criminal offense charged, and the charge is ultimately dismissed if the program is successfully completed.

A Federal Motor Carrier Safety Administration (FMCSA) regulation (CFR 384.226) prohibits states from masking, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a commercial driver's license (CDL) holder's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver's record. A recent audit of Washington's CDL program by the FMCSA has determined that entry into a deferred prosecution program must be treated as a conviction for purposes of a commercial driver's license in order for the state to be in compliance with this federal regulation. A violation of a federal regulation can trigger the

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withholding of 5 percent of the state's federal-aid highway funds in the first year of the violation and 10 percent in each additional year.

**Summary of Bill:**

Entry into a deferred prosecution program is treated as a conviction for purposes of the individual's commercial driver's license.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.