

SENATE BILL REPORT

SB 5427

As Reported by Senate Committee On:
Judiciary, February 10, 2009

Title: An act relating to the release of certified abstracts of full driving records.

Brief Description: Addressing the release of certified abstracts of full driving records.

Sponsors: Senators Ranker, Kline, Delvin, Haugen, King, Jacobsen, Shin and Tom.

Brief History:

Committee Activity: Judiciary: 2/06/09, 2/10/09 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

Staff: Lidia Mori (786-7755)

Background: A certified abstract of a driving record is required to be furnished by the Department of Licensing (DOL) to the individual named in the abstract, an employer, prospective employer, or volunteer organization to which the individual named in the abstract has applied for a position that could entail transportation of children under 18 years of age or persons with mental or physical disabilities. The certified driving record abstract must also be furnished to a number of other entities including, but not limited to, an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services (DSHS) to which the person named in the abstract has applied or been assigned for treatment or evaluation. City or county prosecuting attorneys may also obtain the certified abstract of a driving record for an individual.

City attorneys and county prosecuting attorneys may provide the driving record of an individual to alcohol/drug assessment or treatment agencies approved by DSHS to which the individual has applied or been assigned for evaluation or treatment. Upon proper request, the certified abstract of an individual's full driving record maintained by DOL must be furnished to a city or county prosecuting attorney and to the individual named in the abstract, among others.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Convictions of driving under the influence of alcohol or any drug and convictions of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug are maintained on file by DOL for 15 years from the date of conviction.

Summary of Bill: It is clarified that a court may provide a copy of a driver's abstract to the individual named in the abstract if the individual has a pending case in that court for a suspended license violation or an open infraction or criminal case in that court that has resulted in suspension of the person's driver's license. A pending case is defined as including criminal cases that have not reach a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement, or in collections. A reasonable fee may be charged for copying of the driver's abstract.

A certified abstract of the full driving record maintained by DOL must be furnished to a state-approved alcohol and drug assessment or treatment agency upon proper request.

Convictions of driving under the influence of alcohol or any drug and convictions of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug are maintained permanently on file by DOL.

Appropriation: None.

Fiscal Note: Requested on February 5, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This will allow us to deal with people who appear in our court with suspended licenses and help them figure out how to get their licenses back. It is a good government bill and I urge its passage. The District and Municipal Court Judges Association (DMCJA) also supports SB 5411.

Persons Testifying: PRO: Judge Brett Buckley, DMCJA.