

HOUSE BILL REPORT

SB 6030

As Passed House:
February 27, 2012

Title: An act relating to license suspension clerical errors.

Brief Description: Addressing license suspension clerical errors.

Sponsors: Senators Shin, Kline, Delvin and Regala.

Brief History:

Committee Activity:

Judiciary: 2/16/12, 2/20/12 [DP].

Floor Activity:

Passed House: 2/27/12, 96-0.

Brief Summary of Bill

- Allows a court to order that a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs not have his or her driver's license suspended if the court finds that notice to the Department of Licensing about the conviction has been delayed for three years or more due to a clerical or court error.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Hansen, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Trudes Tango (786-7384).

Background:

The mandatory criminal penalties for a conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs (DUI) includes, among other things, the suspension of the person's driver's license. The suspension period depends upon the person's blood alcohol concentration (BAC) level, or refusal to take a BAC

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test, and the person's prior offenses within seven years. The suspension periods can range from 90 days to four years. The Department of Licensing (DOL) suspends the person's license upon receipt of a notice of conviction from the court.

Whether or not there is a criminal conviction, a person may have his or her license suspended administratively by the DOL for driving with a BAC of .08 or higher or for refusing to take a BAC test. The administrative suspension periods can range from 90 days to two years.

Summary of Bill:

Upon its own motion or upon a motion by a person, a court may find that notice to the DOL about a person's DUI conviction has been delayed for three years or more as a result of a clerical or court error. The court may order that person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for the offense.

The court must send a notice of its order to the DOL and to the person. Upon receipt of the court's notice, the DOL may not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Once a court convicts a person, the penalty should not be delayed. There are over 500 cases of clerical error in the country. District and municipal courts hear about 38,000 DUI cases a year and sometimes mistakes at the court happen. There is nothing in statute to correct things when mistakes are made. The bill allows the court to find that there has been a clerical error. This does not happen very often, so there will not be a real fiscal impact. This provides a good balance of mitigating circumstances when the error is not the defendant's fault.

(Opposed) None.

Persons Testifying: Senator Shin, prime sponsor; and Mellani McAleenan, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying: None.