

# SENATE BILL REPORT

## SB 6030

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As of January 16, 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: 1/13/12.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** There are many consequences when a person is convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs. Washington law provides increasingly severe penalties based upon the person's blood alcohol level, or refusal of the test, and the number of prior offenses within seven years. The consequences include incarceration; electronic home monitoring; installation of an ignition interlock device; fines; costs; assessments; alcohol assessment and treatment; and suspension, revocation, or denial of the driving license.

When a person enters a plea of guilty or nolo contendere or there is a court finding of guilt for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, the court must immediately forward notice to the Department of Licensing (DOL); DOL must revoke that person's license. The duration of the license revocation depends upon the person's blood alcohol level, or refusal of the test, and the number of prior offenses.

**Summary of Bill:** If a court finds that the required notice to DOL has been delayed for three years or more due to a clerical or court error, the court may order that the person's driver license not be revoked, suspended, or denied for that offense. Upon receipt of the order, DOL must not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

**Appropriation:** None.

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*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.*

**Fiscal Note:** Not requested.

**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: DOL has no discretion once the court order is received. This bill would provide relief when the court has made an administrative mistake. People who have complied with all of the terms of their sentence should not be punished further because of a court error.

OTHER: There are over 38,000 cases per year in the court system and sometimes procedural mistakes are made. This bill would help mitigate the effect of the mistakes. It is proper that the court will be correcting itself and making the decision.

**Persons Testifying:** PRO: Senator Shin, prime sponsor; Jeff Lamping, Sharon Lamping, citizens; Tony Sermoniti, DOL.

OTHER: Thomas J. Paulson, citizen; Mellani McAleenan, Administrative Office of the Courts.