

FINAL BILL REPORT

HB 1282

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Synopsis as Enacted

Brief Description: Addressing the crime of driving while license suspended where the suspension is based on noncompliance with a child support order.

Sponsors: Representatives Zeiger, Goodman, Klippert, Orwall, Appleton, Sawyer and Gregerson.

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

License Suspension for Failure to Pay Child Support.

Federal law requires states to have procedures for the suspension or restriction of a person's driver's license, professional and occupational licenses, and recreational and sporting licenses if the person owes past child support. Under Washington's license suspension program, the Department of Social and Health Services (DSHS) may serve an obligated parent with a notice of noncompliance if the parent fails to pay his or her support when due. By rule, the DSHS generally uses this enforcement tool when a parent is six months or more behind in child support.

In order to avoid license suspension, the parent has 20 days from the date of the notice to contact the DSHS to pay overdue amounts, enter into a payment agreement, request an adjudicative hearing, or move to modify the child support obligation. If a parent fails to come into compliance with the child support order, the DSHS may certify to the Department of Licensing (DOL) and any appropriate licensing entity that the responsible parent is not in compliance with a child support order. The DOL suspends the parent's driver's license until the DSHS provides the DOL with a release stating that the parent is in compliance with the child support order.

Driving While Licensed Suspended or Revoked.

It is a crime for a person to drive a motor vehicle in this state while that person's privilege to drive is suspended or revoked. There are three degrees of the crime of Driving While

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License Suspended or Revoked (DWLS), which are dependent on the reason the person's license was suspended or revoked.

First degree DWLS is a gross misdemeanor offense and involves driving when an order of license revocation is in effect for being a habitual traffic offender. Second degree DWLS, also a gross misdemeanor offense, generally involves driving when the person's license is suspended or revoked based on a conviction of any of a number of relatively serious traffic offenses or based on administrative action taken by the DOL.

Third degree DWLS (DWLS 3) is a misdemeanor offense and generally involves driving after a license is suspended or revoked for secondary reasons where there is no set suspension period, such as: (1) failure to respond to a notice of traffic infraction; (2) failure to appear at a requested hearing; (3) violation of a written promise to appear in court; or (4) failure to comply with the terms of a notice of traffic infraction or citation, in addition to a variety of other behaviors. The crime of DWLS 3 does not list a suspension based on failure to be in compliance with a child support order as a basis for committing the third-degree offense.

Summary:

The crime of DWLS 3 applies to apply to driving while a license is suspended based on failure to be in compliance with a child support order.

Votes on Final Passage:

House	94	3
Senate	29	18

Effective: July 24, 2015