

---

## Public Safety Committee

---

### HB 2481

**Brief Description:** Changing driving a motor vehicle with a suspended or revoked driver's license provisions.

**Sponsors:** Representatives Graves, Jinkins, Wylie, Holy and Santos.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Reclassifies Driving a Motor Vehicle with a Suspended or Revoked Driver's License in the third degree from a misdemeanor criminal offense to a civil traffic infraction.</li></ul>
--



**Hearing Date:** 1/29/18

**Staff:** Omeara Harrington (786-7136).

**Background:**

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 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: failure to respond to a notice of traffic infraction; failure to appear at a requested hearing; violation of a written promise to appear in court; failure to comply with the terms of a

---

*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.*

notice of traffic infraction or citation; or failure to comply with a child support order, in addition to a variety of other behaviors. Where available, a person who commits DWLS 3 on certain grounds may participate in a relicensing diversion program designed to assist suspended drivers to regain their license and insurance and pay outstanding fines.

A police officer having probable cause to believe that a person has committed a DWLS offense is authorized to make a warrantless arrest. Whenever a driver is arrested for DWLS, the vehicle is subject to summary impoundment.

#### Traffic Infractions.

A failure to follow the rules of the road, and equivalent local laws, is generally a traffic infraction subject to a monetary penalty of up to \$250. Traffic infractions are not classified as a criminal offenses, and incarceration cannot be imposed. An officer or the court may issue a notice of infraction when there is reasonable cause to believe that a traffic infraction has been committed. A notice of traffic infraction represents a determination that an infraction has been committed; this determination is final unless it is contested.

A person receiving a notice of traffic infraction must respond within 15 days by either paying the designated fine or requesting a hearing to deny the violation or explain mitigating circumstances. At a requested hearing, the state must prove by a preponderance of the evidence that the infraction was committed. Following the hearing, the court enters a finding that the infraction either has or has not been committed, or, in qualifying cases, may defer its findings or entry of the order for up to a year and impose appropriate conditions. If all conditions have been met and no additional traffic violations have been committed during the deferral period, the court may dismiss the infraction. If the person receiving the infraction fails to respond or appear at a requested hearing the court must assess the monetary penalty and notify the Department of Licensing for purposes of mandatory driver's license suspension.

#### **Summary of Bill:**

Driving a Motor Vehicle with a Suspended or Revoked Driver's License in the third degree is reclassified from a misdemeanor criminal offense to a civil traffic infraction. The infraction is subject to a penalty of \$250, unless the person receiving the notice of infraction appears before the court or submits written proof by mail that he or she has reinstated his or her license after receiving the infraction, in which case the court must reduce the penalty to \$50.

Provisions relating to warrantless arrest and summary impoundment are adjusted to apply only to criminal DWLS offenses. Provisions relating to relicensing programs are amended to apply to non-criminal DWLS 3 infraction cases.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2018.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 4 and 7, relating to relicensing programs, which takes effect July 1, 2019.