
HOUSE BILL 1141

State of Washington

65th Legislature

2017 Regular Session

By Representatives Manweller and Pettigrew

Read first time 01/12/17. Referred to Committee on Judiciary.

1 AN ACT Relating to a restricted driver's license for persons who
2 fail to comply with a child support order; and amending RCW
3 74.20A.320 and 46.20.291.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.20A.320 and 2009 c 408 s 1 are each amended to
6 read as follows:

7 (1) The department may serve upon a responsible parent a notice
8 informing the responsible parent of the department's intent to submit
9 the parent's name to the department of licensing and any appropriate
10 licensing entity as a licensee who is not in compliance with a child
11 support order. The department shall attach a copy of the responsible
12 parent's child support order to the notice. Service of the notice
13 must be by certified mail, return receipt requested. If service by
14 certified mail is not successful, service shall be by personal
15 service.

16 (2) The notice of noncompliance must include the following
17 information:

18 (a) The address and telephone number of the department's division
19 of child support office that issued the notice;

20 (b) That in order to prevent the department from certifying the
21 parent's name to the department of licensing or any other licensing

1 entity, the parent has twenty days from receipt of the notice to
2 contact the department and:

3 (i) Pay the overdue support amount in full;

4 (ii) Request an adjudicative proceeding as provided in RCW
5 74.20A.322;

6 (iii) Agree to a payment schedule with the department as provided
7 in RCW 74.20A.326; or

8 (iv) File an action to modify the child support order with the
9 appropriate court or administrative forum, in which case the
10 department will stay the certification process up to six months;

11 (c) That failure to contact the department within twenty days of
12 receipt of the notice will result in certification of the responsible
13 parent's name to the department of licensing and any other
14 appropriate licensing entity for noncompliance with a child support
15 order. Upon receipt of the notice:

16 (i)(A) The department of licensing shall suspend the parent's
17 driver's license and issue a restricted license for a period of
18 ninety days. The restricted license must permit the parent to drive
19 to and from his or her place of employment, drive to perform duties
20 in the course of his or her employment, and drive during any period
21 of time in which he or she has custody of his or her child or
22 children pursuant to a parenting plan, including to pick up or drop
23 off a child or children at a day care, school, custodial exchange, or
24 health care or religious activity;

25 (B) After receiving notice of the issuance of a restricted
26 license, the parent may work with the department for a period of
27 thirty days to reach an agreement by which his or her driver's
28 license will be reinstated;

29 (C) A parent who is unable to reach agreement with the department
30 for reinstatement of his or her license is entitled to a hearing in
31 front of an administrative law judge to determine whether the
32 continued suspension will create an undue hardship or interfere with
33 the parent's ability to comply with a child support order or perform
34 typical parental functions and duties. If the administrative law
35 judge finds that continued suspension of the parent's driver's
36 license will create undue hardship or interference, the department of
37 licensing shall extend the parent's restricted license to drive until
38 the parent is in compliance with the child support order. If no undue
39 hardship or interference is found, the restricted driver's license

1 must expire as scheduled. In making this determination, the
2 administrative law judge shall consider, among other factors:

3 (I) Availability of public transportation near the parent's place
4 of residence including consideration of transportation options to and
5 from the parent's work, and how available transportation options
6 affect the parent's obligations to children, medical requirements,
7 and ability to comply with court-ordered obligations; and

8 (II) Any other responsibilities the obligor may have to children
9 or other dependents;

10 (D) Upon expiration of the restricted license, the parent's
11 driver's license must remain in a suspended status until the parent
12 provides the department of licensing with a release from the
13 department stating that the responsible parent is in compliance with
14 the child support order;

15 (ii) The licensing entity, other than the department of
16 licensing, will suspend or not renew the parent's license ((and the
17 department of licensing will suspend or not renew any driver's
18 license that the parent holds)) until the parent provides ((the
19 department of licensing and)) the licensing entity with a release
20 from the department stating that the responsible parent is in
21 compliance with the child support order;

22 ~~((+ii))~~ (iii) The department of fish and wildlife will suspend a
23 fishing license, hunting license, occupational licenses, such as a
24 commercial fishing license, or any other license issued under chapter
25 77.32 RCW that the responsible parent may possess, and suspension of
26 a license by the department of fish and wildlife may also affect the
27 parent's ability to obtain permits, such as special hunting permits,
28 issued by the department. Notice from the department of licensing
29 that a responsible parent's driver's license has been suspended shall
30 serve as notice of the suspension of a license issued under chapter
31 77.32 RCW;

32 (d) That suspension of a license will affect insurability if the
33 responsible parent's insurance policy excludes coverage for acts
34 occurring after the suspension of a license;

35 (e) If the responsible parent subsequently comes into compliance
36 with the child support order, the department will promptly provide
37 the parent and the appropriate licensing entities with a release
38 stating that the parent is in compliance with the order.

39 (3) When a responsible parent who is served notice under
40 subsection (1) of this section subsequently complies with the child

1 support order, a copy of a release stating that the responsible
2 parent is in compliance with the order shall be transmitted by the
3 department to the appropriate licensing entities.

4 (4) The department of licensing and a licensing entity may renew,
5 reinstate, or otherwise extend a license in accordance with the
6 licensing entity's or the department of licensing's rules after the
7 licensing entity or the department of licensing receives a copy of
8 the release specified in subsection (3) of this section. The
9 department of licensing and a licensing entity may waive any
10 applicable requirement for reissuance, renewal, or other extension if
11 it determines that the imposition of that requirement places an undue
12 burden on the person and that waiver of the requirement is consistent
13 with the public interest.

14 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
15 read as follows:

16 The department is authorized to suspend the license of a driver
17 upon a showing by its records or other sufficient evidence that the
18 licensee:

19 (1) Has committed an offense for which mandatory revocation or
20 suspension of license is provided by law;

21 (2) Has, by reckless or unlawful operation of a motor vehicle,
22 caused or contributed to an accident resulting in death or injury to
23 any person or serious property damage;

24 (3) Has been convicted of offenses against traffic regulations
25 governing the movement of vehicles, or found to have committed
26 traffic infractions, with such frequency as to indicate a disrespect
27 for traffic laws or a disregard for the safety of other persons on
28 the highways;

29 (4) Is incompetent to drive a motor vehicle under RCW
30 46.20.031(3);

31 (5) Has failed to respond to a notice of traffic infraction,
32 failed to appear at a requested hearing, violated a written promise
33 to appear in court, or has failed to comply with the terms of a
34 notice of traffic infraction, criminal complaint, or citation, as
35 provided in RCW 46.20.289;

36 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

37 (7) Has committed one of the prohibited practices relating to
38 drivers' licenses defined in RCW 46.20.0921; or

1 (8) Has been certified by the department of social and health
2 services as a person who is not in compliance with a child support
3 order (~~(or a residential or visitation order)~~) as provided in RCW
4 74.20A.320. Upon suspension of the person's driver's license, the
5 department shall issue a restricted driver's license for a period of
6 ninety days that permits the person to drive: (a) To and from his or
7 her place of employment; (b) in order to perform duties in the course
8 of his or her employment; and (c) during any period of time in which
9 he or she has custody of his or her child or children pursuant to a
10 parenting plan, including to pick up or drop off a child or children
11 at a day care, school, custodial exchange, or health care or
12 religious activity. If the person provides the department with an
13 order from an administrative law judge finding that continued
14 suspension of the person's driver's license will create undue
15 hardship or interference as provided in RCW 74.20A.320, the
16 department shall extend the person's restricted license to drive
17 until the department receives a release from the department of social
18 and health services stating that the person is in compliance with the
19 child support order.

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