

HOUSE BILL REPORT

HB 1282

As Reported by House Committee On:
Transportation

Title: An act relating to driver's license suspensions and revocations.

Brief Description: Concerning driver's license suspensions and revocations.

Sponsors: Representatives Reeves, Valdez, Gregerson, Pellicciotti, Frame, Fey, Robinson, Ortiz-Self, Stonier, Lovick, Kilduff, Pettigrew, Riccelli, Wylie, Appleton, Stanford, Santos, Bergquist, Jenkins, Kloba, Leavitt, Ormsby and Pollet.

Brief History:

Committee Activity:

Transportation: 2/26/19, 2/27/19 [DP].

Brief Summary of Bill

- Eliminates driver's license suspensions for failure to respond to notice of a traffic infraction for a moving violation, failure to appear at a requested hearing for a moving violation, violation of a written promise to appear in court for a moving violation, and failure to comply with the terms of a notice of traffic infraction or citation for a moving violation (noncriminal only).
- Reduces the offense of Driving While Driver's License Suspended (DWLS) in the third degree, a misdemeanor, to DWLS in the fourth degree, a noncriminal traffic infraction, when the person driving without a license received a suspension for certain specified grounds.
- Establishes a base penalty for DWLS in the fourth degree of \$250 (\$550 with fees and assessments included), which must be reduced to \$50 (\$140 total) when proof is provided to a court that the driver's license was reinstated after the citation was issued.
- Authorizes the Department of Licensing (DOL) to reinstate all driver's licenses suspended for reasons that are no longer grounds for suspension.
- Requires the DOL to notify anyone whose driver's license was suspended who may qualify for reinstatement, and to create an online application process for people to use to determine whether they are eligible for reinstatement, within 30 days of the effective date of the legislation.

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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 17 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Chapman, Doglio, Entenman, Gregerson, Kloba, Lovick, Mead, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli and Shewmake.

Minority Report: Do not pass. Signed by 14 members: Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Dent, Dufault, Eslick, Goehner, Irwin, McCaslin, Orcutt, Shea and Van Werven.

Staff: Jennifer Harris (786-7143).

Background:

Driver's License Suspension.

No person may drive a motor vehicle on a roadway in the state without having a valid driver's license. It is unlawful for a person to drive a motor vehicle while that person's driver's license is suspended.

The Department of Licensing (DOL) must suspend an individual's driver's license when it receives notice from a court that he or she:

1. has committed an offense for which mandatory revocation or suspension of a driver's license is required;
2. has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or in serious property damage;
3. has been convicted of moving violation offenses or committed traffic infractions with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;
4. is incompetent to drive a motor vehicle;
5. has failed to respond to a notice of traffic infraction for a moving violation;
6. has failed to appear at a requested hearing for a moving violation;
7. has violated a written promise to appear in court for a moving violation;
8. has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation;
9. is subject to suspension as an incompetent, unqualified driver;
10. is subject to suspension due to failure to pay a civil judgment related to a motor vehicle crime;
11. has committed prohibited practices related to driver's license fraud and improper use;
12. has been certified by the Department of Social and Health Services as a person who is not in compliance with a child support order; or
13. has failed to redeem an abandoned vehicle from a registered tow truck operator and then failed to respond to a notice of custody and sale and of the penalties for the traffic infraction "Littering—Abandoned Vehicle," sent by certified mail by the law enforcement agency responsible for directing the removal of the vehicle.

The DOL must also suspend an individual's driver's license when it receives notice from another state under the Non-Resident Violator Compact, or from a jurisdiction that has entered into an agreement with the DOL, of failure to comply with the terms of a traffic citation from the licensing authority of the issuing jurisdiction, other than for a standing, stopping, or parking violation. (The Non-Resident Violator Compact is an interstate compact used by most states to process traffic citations across state borders.)

When the DOL has suspended a person's driver's license, a new, duplicate, or renewal driver's license may not be issued until all requirements for reinstatement have been satisfied and a \$75 reissuance fee has been paid (this fee is increased to \$150 for suspensions due to driving under the influence offenses).

Occupational Driver's License.

A person whose driver's license is suspended administratively for certain specified reasons, including the reasons noted below, may apply to the DOL for an occupational driver's license:

- failure to respond to the notice of a traffic infraction for a moving violation;
- failure to appear at a requested hearing for a moving violation;
- violation of a written promise to appear in court for a moving violation; or
- failure to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation.

To qualify for an occupational driver's license, the applicant must demonstrate that it is necessary for him or her to operate a motor vehicle for work, for health care or dependent care needs, to attend an educational institution to pursue a course of study, for substance abuse treatment or participation in a 12-step program, for court-ordered community service, or for a work training program.

The applicant must also file proof of financial responsibility and pay an application fee set by law at \$100. An occupational driver's license is valid for the period of suspension or revocation.

Relicensing Programs.

Courts are authorized to participate in or to provide diversion programs for individuals with up to four convictions or infractions for Driving While License Suspended or Revoked (DWLS) in the 10 years preceding entry into the diversion program (subject to a less restrictive rule authorized by the presiding judge of the court).

Diversion programs must be designed to assist individuals with suspended driver's licenses in regaining their licenses, obtaining insurance, and paying outstanding fines. Participation in the program may be offered at the discretion of the prosecuting attorney or municipal prosecuting authority before charges are filed or by a court after charges are filed.

Driving While License Suspended or Revoked.

If a person drives a motor vehicle in the state while his or her driver's license is suspended, he or she is guilty of a traffic offense. The degree of the offense varies based on the underlying reason for the driver's license suspension or revocation, with the severity ranging from a misdemeanor to a gross misdemeanor with specified minimum penalties.

If a person found to be a habitual offender drives while his or her driver's license is revoked, the offense is DWLS in the first degree, a gross misdemeanor, subject to certain mandatory minimum penalties. If a person drives while his or her driver's license is suspended or revoked as a result of certain specified convictions or administrative actions by the DOL related to traffic offenses, the offense is DWLS in the second degree, a gross misdemeanor, and subject to gross misdemeanor penalties.

If a person drives while his or her driver's license is suspended or revoked for certain specified reasons, including those noted below, the offense is DWLS in the third degree, a misdemeanor:

- failure to respond to the notice of a traffic infraction for a moving violation;
- failure to appear at a requested hearing for a moving violation;
- violation of a written promise to appear in court for a moving violation;
- failure to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation;
- commission of an offense in another state that, if committed in Washington, would not be grounds for suspension or revocation;
- eligibility to reinstate a driver's license at the time of violation and the suspension would otherwise result in DWLS in the second degree; or
- two or more infractions for violating Intermediate Driver's License restrictions.

The penalty for DWLS in the third degree is up to a 90-day jail sentence and/or a fine of up to \$1,000.

Summary of Bill:

Driver's License Suspensions.

A person's driver's license is no longer suspended for the following reasons:

- failure to respond to a notice of traffic infraction for a moving violation;
- failure to appear at a requested hearing for a moving violation;
- violation of a written promise to appear in court for a moving violation; or
- failure to comply with the terms of a notice of traffic infraction or citation for a moving violation (noncriminal only).

Driving While License Suspended or Revoked.

If a person drives while his or her driver's license is suspended or revoked for the reasons specified below, the offense is reduced from DWLS in the third degree, a misdemeanor, to DWLS in the fourth degree, a noncriminal traffic infraction:

- reasons that are no longer grounds for suspension (see above);

- grounds for suspension for a moving violation under the Non-Resident Violator Compact;
- commission of an offense in another state that, if committed in Washington, would not be grounds for suspension or revocation;
- was eligible to reinstate his or her driver's license at time of violation and offense would otherwise be DWLS in the second or third degree; or
- received two or more infractions for violating Intermediate Driver's License restrictions.

The base penalty for DWLS in the fourth degree is \$250 (\$550 with fees and assessments included). This penalty is reduced to \$50 (\$140 with fees and assessments included), if proof is provided to the court that the driver's license has been reinstated after the citation was issued.

If a person drives a motor vehicle while his or her driver's license is suspended or revoked and would otherwise receive DWLS in the fourth degree, except that the person has three or more prior violations of DWLS in the fourth degree, the offense is raised to DWLS in the third degree.

Relicensing Programs.

Participation in relicensing programs may be offered by a court when a person is found to have violated DWLS in the fourth degree.

Driver's License Reinstatement.

The DOL is authorized to reinstate all driver's licenses suspended for reasons that are no longer grounds for driver's license suspension. By October 1, 2019, the DOL is required to notify any person whose driver's license it identifies may have been suspended for these reasons that his or her driver's license may be eligible for reinstatement, providing information on eligibility criteria in the notification. By October 1, 2019, the DOL is also required to create an online application process for people to use to determine whether they are eligible to have their license reinstated and that explains the process for reinstatement.

The \$75 driver's license reissuance fee required by law remains applicable for these driver's license reinstatements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on September 1, 2019.

Staff Summary of Public Testimony:

(In support) The intent of this legislation is to decriminalize poverty. People should not receive a DWLS offense, a criminal offense, because they cannot pay a parking ticket. This can put people in a cycle of not being able to comply with the law. This bill is not about taking away people's accountability. They still need to pay their fines. Debt collectors can get civil judgments and garnish wages to collect fines. This bill is for people who want to comply with the law and who need to get to and from work. They should be able to keep their auto insurance.

This bill ends the use of driver's license suspensions as a debt collection tool. It cost the state \$1.3 billion to enforce DWLS laws between 1994 and 2015. At least 1.5 million charges of DWLS in the third degree have been filed since the current DWLS laws went into effect in 1993, resulting in nearly 900,000 convictions. Impaired driving, speeding, and distracted driving are the greatest public safety threats related to driving, not DWLS in the third degree. Not paying a traffic ticket does not make someone a more dangerous driver. Law enforcement has other tools to use for individuals who present a risk to others.

Revoking a driver's license results in a person being dropped from the person's insurance, creating a public safety risk. Washington has the tenth highest rate of uninsured drivers because the state has too many insurance policies that are terminated due to a driver's license being suspended. Several states do not criminalize DWLS in the third degree. The cities of Seattle and Yakima treat DWLS in the third degree differently by trying to get at the root cause.

The version of the bill that passed out of the Transportation Committee is not supported by all stakeholders.

(Opposed) Revenue will be lost if people do not have an incentive to pay their traffic fines. After a court case resulted in people with suspended driver's licenses receiving them back because of a problem with notice, there was a 37 percent drop in collections. In 2012 when the law was changed to only allow driver's license suspensions for moving violations, there was a significant drop in revenue collection. People only pay the fines that will result in driver's license suspensions if they remain unpaid.

Nonpayment of traffic infraction fines does not affect people's credit because these are not contractual obligations. There should be consequences for not paying traffic violations. People would be able to get 20 traffic tickets and not have their driver's licenses suspended. People can obtain an occupational driver's license if their driver's license is suspended. There is another bill, House Bill 1489, that creates mechanisms for consolidated payment.

Citations are issued as a consequence for poor driving behavior that violates the rules of the road. If there is no accountability, there will not be any reason for people to follow the rules of the road. This bill would result in people being put on the road who do not have insurance.

Something should be done to help people who struggle to pay their traffic tickets. The amendment in the Senate is a good amendment. It would require two tickets to have a driver's license suspended under it, and would allow people to pay fines before a court date to qualify to have the DWLS charge dismissed.

Persons Testifying: (In support) Representative Reeves, prime sponsor; Eric Gonzalez, American Civil Liberties Union; and John Schochet, Seattle City Attorney's Office.

(Opposed) Kelsi Hamilton and Chester Baldwin, Washington Collectors Association; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.