

HOUSE BILL REPORT

EHB 2066

As Passed House:
March 7, 2019

Title: An act relating to restrictions on driver's licenses associated with certain criminal offenses.

Brief Description: Addressing restrictions on driver's licenses associated with certain criminal offenses.

Sponsors: Representatives Davis, Pellicciotti, Goodman, Appleton, Sutherland, Graham, Klippert, Leavitt and Pollet.

Brief History:

Committee Activity:

Public Safety: 2/19/19, 2/21/19 [DP].

Floor Activity:

Passed House: 3/7/19, 96-1.

Brief Summary of Engrossed Bill

- Narrows the circumstances in which a driver's license must be revoked pursuant to a conviction for a felony in which a motor vehicle was used to apply only if the sentencing court determines that community safety requires revocation.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Lovick, Pellicciotti and Pettigrew.

Staff: Kelly Leonard (786-7147).

Background:

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.

A person may not drive a motor vehicle on a roadway in Washington without having a valid driver's license. It is a criminal offense for a person to drive a motor vehicle while his or her driver's license is suspended or revoked.

The Department of Licensing (DOL) is required to revoke a person's driver's license when he or she is convicted of certain criminal offenses, including:

- Vehicular Homicide or Vehicular Assault;
- certain impaired driving offenses;
- failure to stop and give information or render aid in certain circumstances involving a motor vehicle accident resulting in death or personal injury;
- perjury or the making of a false statement to the DOL under certain circumstances;
- Reckless Driving when it is the third or subsequent conviction; or
- any felony in the commission of which a motor vehicle is used.

When a person is convicted of any felony in the commission of which a motor vehicle is used, other than the specific offenses listed, the revocation lasts for one calendar year. After the revocation period has expired, the person must reapply to the DOL in order to receive a driver's license. The DOL must be satisfied with the applicant's driving ability, and the applicant must provide proof of insurance and pay a reissue fee of \$75.

Summary of Engrossed Bill:

When a driver is convicted of any felony in the commission of which a motor vehicle is used, the DOL is required to revoke the license only when the sentencing court determines that community safety requires the revocation. Provisions requiring revocation for other specific offenses are unchanged.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This legislation arose from the concerns of a sitting superior court judge and other practitioners. Under current law, the DOL is required to revoke a license for a defendant convicted of any felony in which a motor vehicle was used. The nature of the use of the vehicle can be very minimal. For example, it could simply mean that stolen goods were found in a vehicle. In addition, the defendant could have been a vehicle passenger, rather than the driver. The judge has no discretion in determining whether it is appropriate to revoke the license. Mandatory revocation is overly broad and unnecessarily harsh in some cases. People still need to go to work, school, and medical appointments.

The bill appropriately provides the judge with discretion to determine whether a driver's license should be revoked on a case-by-case basis. This is the right thing to do.

The bill helps address a broader policy effort to reduce the application of Driving While License is Suspended offenses, and otherwise helps to reduce the impact of those offenses on the poor. This effort will help ensure that law enforcement can dedicate their limited resources to more serious offenses.

(Opposed) None.

Persons Testifying: Representative Davis, prime sponsor; Eric Gonzalez Alfaro, American Civil Liberties Union of Washington; Paul Benz, Faith Action Network; and Alex Hur, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.