

# SENATE BILL REPORT

## EHB 2066

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As Reported by Senate Committee On:  
Law & Justice, April 2, 2019  
Transportation, April 9, 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:** Passed House: 3/07/19, 96-1.

**Committee Activity:** Law & Justice: 3/26/19, 4/02/19 [DPA, w/oRec].

Transportation: 4/04/19, 4/09/19 [DPA].

### Brief Summary of Amended Bill

- Requires the Department of Licensing to revoke the license of a person convicted of any felony in the commission of which a motor vehicle was used only when the sentencing court determines that a motor vehicle was used in a manner that endangered persons or property.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

Signed by Senators Pedersen, Chair; Padden, Ranking Member; Holy, Kuderer and Salomon.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Dhingra, Vice Chair.

**Staff:** Shani Bauer (786-7468)

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### SENATE COMMITTEE ON TRANSPORTATION

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*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.*

**Majority Report:** Do pass as amended.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, Padden, Randall, Takko, Wilson, C. and Zeiger.

**Staff:** Kim Johnson (786-7472)

**Background:** 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 the license of a driver upon receiving notice of the driver's conviction of one of several offenses, including:

- vehicular homicide
- vehicular assault
- driving a motor vehicle while under the influence of alcohol or drugs;
- any felony in the commission of which a motor vehicle is used;
- failure to stop and give information or render aid as required by law;
- perjury or making a false affidavit or statement under oath to DOL;
- reckless driving if the conviction is the driver's third conviction within a two year period.

Suspension of the driver's license is generally for a period of one calendar year. However, certain offenses provide a longer period, including vehicular homicide, vehicular assault, and driving under the influence. After the revocation period has expired, the person must reapply to DOL in order to receive a driver's license. 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 Amended Bill:** When a driver is convicted of any felony in the commission of which a motor vehicle is used, DOL is required to revoke the license only when the sentencing court determines that a motor vehicle was used in a manner that endangered persons or property.

**EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S):**

- Requires DOL to revoke the driver's license of a person who is convicted of a felony in the commission of which the sentencing court determines that a motor vehicle was used in a manner that endangered persons or property instead of when the sentencing court determines that community safety requires revocation.
- Adds a delayed effective date of July 1, 2020.
- Provides a null and void clause.

**EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):** DOL is required to revoke the license of a person who is convicted of a felony in the commission of which the sentencing court determines that a motor vehicle was used in a manner that endangered

persons or property instead of when the sentencing court determines that community safety requires revocation. A delayed effective date of January 1, 2020 is added.

**Appropriation:** The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on July 1, 2020.

**Staff Summary of Public Testimony on Engrossed House Bill (Law & Justice):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill results from a request from a drug court judge who explained that the law requires revocation of person's driver's license if they are convicted of felony when a motor vehicle was used. The term "used" is overly broad. Examples may include where a person is a passenger of a vehicle in which a felony is committed. Even when an individual is found with stolen property in a vehicle, the person's license must be revoked. This simple change will mean a lot to those individuals who live in more rural areas and need transportation to get to work, treatment, or transport kids. The license should only be revoked where there is a true public safety need to do so. Judges retain the ability to revoke a person's license as appropriate.

**Persons Testifying (Law & Justice):** PRO: Representative Lauren Davis, Prime Sponsor; Alex Hur, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Eric Gonzalez Alfaro, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying (Law & Justice):** No one.

**Staff Summary of Public Testimony on Bill as Amended by Law & Justice (Transportation):** PRO: I have heard from judges that they feel the statute that requires DOL to revoke someone's driver' license for a year whenever a motor vehicle is somehow involved in the commission of a felony is just too broad. People need to get to work, pick up their kids and without a driver's license that is impossible. I am working with DOL to try to address the fiscal costs with the bill. The language has been crafted to allow a court to determine that the vehicle use endangered people or property and that is appropriate. Public transportation is not everywhere and it is hard for people to get around without a driver's license.

**Persons Testifying (Transportation):** PRO: Representative Lauren Davis, Prime Sponsor; Alex Hur, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Eric Gonzalez Alfaro, Legislative Director, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.