

SENATE BILL REPORT

SB 5226

As of February 3, 2021

Title: An act relating to the suspension of licenses for traffic infractions.

Brief Description: Concerning the suspension of licenses for traffic infractions.

Sponsors: Senators Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 2/04/21.

Brief Summary of Bill

- Eliminates drivers' license suspension for the failure to pay, respond, or appear at a requested hearing for a traffic infraction for a moving violation.
- Authorizes the Department of Licensing (DOL) to reinstate all driver's licenses suspended for reasons that are no longer grounds for suspension.
- Requires DOL to take reasonable steps to notify anyone whose driver's license was suspended who may qualify for reinstatement, and create an online application process for people to use to determine whether they are eligible for reinstatement, within 90 days of the effective date of the legislation.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: Drivers 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Department of Licensing (DOL) is required to suspend an individual's driver's license when it receives notice from a court the person's license should be suspended for one of a variety of reasons, including when the person:

- has caused death or injury to a person by recklessly or unlawfully operating a motor vehicle;
- is subject to suspension due to the failure to pay child support or a civil judgment related to a motor vehicle crime;
- has been convicted of a moving violation or traffic infraction with such frequency as to indicate a disregard for the safety of others; or
- has failed to pay, respond, or appear at a requested hearing for a traffic infraction for a moving violation.

When 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.

Driving While License Suspended or Revoked. If a person drives a motor vehicle in the state while their driver's license is suspended, they are 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 drives while their driver's license is suspended or revoked due to a failure to pay, respond, or appear at a requested hearing for a traffic infraction for a moving violation, the offense is driving while license suspended (DWLS) in the third degree, a misdemeanor. The penalty for DWLS in the third degree is up to a 90-day jail sentence or a fine up to \$1,000, or both.

Summary of Bill: Traffic Infractions. Failure to pay or respond to a traffic infraction or failure to appear at a hearing requested for contesting a traffic infraction will no longer result in the suspension or revocation of a person's driver's license. The form of infraction must give a person the option to admit responsibility for the infraction, but attest that the person does not have the current ability to pay the penalty in full. The person must be given information on how to obtain a payment plan from the court and be notified that failure to pay may result in collection action.

The time period for a person to respond to a traffic infraction is increased from 15 days to 30 days from the date of the infraction.

Payment Plans. A person may request a payment plan at any time for the payment of any penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction. Upon request, the court must enter into a payment plan with the individual. If

the person does not enter into a payment plan and has not paid the monetary obligation in full, the court may refer any unpaid portion for collection 120 days from the date of the infraction.

Multiple Traffic Infractions. When a person has committed a traffic infraction for a moving violation on three or more occasions within a one year period, or four or more occasions in a two year period, DOL must revoke the license of the driver for a period of 60 days and provide for a one year probationary period after the suspension ends. During the probationary period, the person must complete a safe driving course as recommended by DOL. Any new traffic infraction committed during the probationary period or failure to complete the safe driving course will result in an additional 30 day suspension. DOL must send a warning letter to the driver when the driver will face suspension if committing an additional infraction. DOL may not charge a reinstatement fee at the end of the term of revocation. Multiple traffic infractions committed within a six-hour period constitute one occasion.

Reinstatement of Drivers Licenses. DOL is authorized to administratively reinstate the license of a person whose license has been suspended for the failure to pay, respond, or appear at a hearing for a traffic infraction. No later than 90 days after the effective date of this act, DOL must create an online application process for eligible persons to apply for reinstatement of their driver's license and take reasonable steps to publicize and notify persons who may be eligible for reinstatement of the ability to apply under this section.

Fees and Funding. A new account is created called the driver's licensing technology support account within the Highway Safety Fund. The account must be used only to support information technology systems used by DOL to communicate with the judicial information system, and manage driving records and implement court orders. The bill reallocates \$4 of the \$20 legislative assessment on traffic infractions to the new account. A new \$2 assessment is created on traffic infractions similar to the judicial information system's assessment and it is deposited into the new driver's licensing technology support account. A new \$1 fee is created on all applications for an original or renewal for driver's licenses and identicards, to be deposited into the Highway Safety Fund.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.