

FINAL BILL REPORT

SB 6068

C 181 L 09

Synopsis as Enacted

Brief Description: Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act.

Sponsors: Senators Swecker, Haugen, King and Shin; by request of Department of Licensing.

Senate Committee on Transportation
House Committee on Transportation

Background: Under current law, a person who has been charged with a misdemeanor or gross misdemeanor may petition the court for entry into a deferred prosecution program if the person alleges that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental health problems. A deferred prosecution program consists of treatment for the underlying problem, along with other conditions which may be imposed by the court. Entry into the program defers prosecution for the criminal offense charged, and the charge is dismissed upon successful completion of the program. Deferred prosecutions are most commonly granted in DUI cases.

Federal regulations prohibit states from masking, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a Commercial Driver's License (CDL) driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law (except a parking violation) from appearing on the driver's record. A recent audit of Washington's CDL program by the Federal Motor Carrier Safety Administration has determined that entry into a deferred prosecution program is equivalent to a conviction for purposes of the federal regulations.

Summary: Entry into a deferred prosecution program is treated as a conviction for CDL purposes.

Votes on Final Passage:

Senate	47	0
House	64	34

Effective: July 26, 2009

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.