

SENATE BILL REPORT

SB 6068

As Reported by Senate Committee On:
Transportation, February 25, 2009

Title: An act relating to the definition of "conviction" for purposes of the uniform commercial driver's license act.

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.

Brief History:

Committee Activity: Transportation: 2/25/09 [DP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

Staff: Janice Baumgardt (786-7319)

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

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.

Administration has determined that entry into a deferred prosecution program is equivalent to a conviction for purposes of the federal regulations.

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

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill will bring our state into compliance with federal regulations and prevent the potential penalties of \$17 million for the first year of noncompliance and \$34 million for the second year of noncompliance. This bill will also avert the risk that Washington's Certified Driver License program will be decertified by the federal government which would mean CDL holders licensed in our state could drive only intrastate and not interstate.

Persons Testifying: PRO: Clark Holloway, Department of Licensing; Rich Struna, Department of Transportation.