

SENATE BILL REPORT

SB 6490

As Reported by Senate Committee On:
Judiciary, February 3, 2010
Transportation, February 8, 2010

Title: An act relating to driver's and vehicle licenses.

Brief Description: Changing provisions regulating driver's and vehicle licenses.

Sponsors: Senators Kline, Regala and Hargrove.

Brief History:

Committee Activity: Judiciary: 1/29/10, 2/03/10 [DPS].
Transportation: 2/08/10 [w/oRec, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6490 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Gordon, Hargrove, Kohl-Welles and Roach.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That it be referred without recommendation.

Signed by Senators Haugen, Chair; Swecker, Ranking Minority Member; Berkey, Eide, Jacobsen, Kastama, Kauffman, King, Ranker and Sheldon.

Minority Report: Do not pass.

Signed by Senators Becker, Benton and Delvin.

Staff: Janice Baumgardt (786-7319)

Background: Driving while license suspended in the third degree (DWLS-3) is a misdemeanor and it can be committed a number of ways. A person commits DWLS-3 by driving a motor vehicle when the person's driver's license is suspended or revoked because the person has (1) failed to respond to a notice of traffic infraction; (2) failed to appear at a

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requested hearing; (3) violated a written promise to appear in court; or (4) failed to comply with the terms of a notice of traffic infraction or citation.

The Department of Licensing (DOL) is authorized to suspend the license of a driver upon a showing by its records that the licensee has failed to respond to a notice of traffic infraction, appear at a requested hearing, comply with the terms of a notice of traffic infraction or citation, or violated a written promise to appear in court.

In Washington, there are approximately 102,000 cases of DWLS-3 filed annually and approximately 45,000 convictions for this offense. These cases are typically handled in district and municipal courts and involve a prosecutor, possibly a public defender, and the typical court procedures associated with a criminal case.

Summary of Bill: The offense of DWLS-3 due to failure to comply with the terms of a notice of traffic infraction, respond to a traffic infraction, or appear at a requested hearing is no longer defined as a misdemeanor. The DOL is directed to reinstate the driving privileges of persons whose driving privileges have been suspended due to engaging in behavior that constituted DWLS-3. Authorization to the DOL to suspend the drivers license of a person who commits DWLS-3 due to failure to comply with the terms of a notice of traffic infraction, respond to a traffic infraction, or appear at a requested hearing is removed, as is the requirement that a person pay a \$75 fee for reissuance of his or her driver's license after it has been suspended due to DWLS-3 occasioned by the above described behavior.

If a person enters into a payment plan with a court to satisfy a monetary obligation arising from a traffic infraction and the person fails to complete the conditions of the plan, the court will notify the DOL of the failure and DOL will not renew or issue a driver's license to that person until the monetary obligations are paid. A person who satisfies his or her monetary obligations or community restitution resulting from failure to comply with the terms of a traffic infraction may have his or her driver's license reissued or renewed by the DOL upon payment of an \$80 surcharge, to be deposited into the highway safety fund.

When a court finds that a person has committed a violation of the requirement that no person operate a motor vehicle subject to registration in this state unless the person is insured under a motor vehicle liability policy, it is directed to forward to DOL an abstract of the court record including the vehicle license number for the vehicle being driven at the time of the infraction. In order to renew a vehicle license for a vehicle driven in violation of the motor vehicle liability insurance requirement, an applicant must attest to the vehicle being insured to the level required by chapter 46.30 RCW and present that proof to the department at the time of renewal, and pay a \$15 surcharge. The DOL will send to all registered owners of vehicles that have been driven in violation of the motor vehicle liability insurance requirement a statement specifying the dates and jurisdictions in which the violations occurred and the requirements that must be met before a vehicle license will be renewed.

The DOL must suspend the license of a person who fails to comply with the terms of a traffic citation issued by another jurisdiction that is a party to the Nonresident Violator Compact or is a jurisdiction with which Washington has entered into an agreement pursuant to RCW 46.23.020.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): A person who satisfies his or her monetary obligations or community restitution resulting from failure to comply with the terms of a traffic infraction may have his or her driver's license reissued or renewed by the DOL upon payment of an \$80 surcharge, to be deposited into the highway safety fund. In order to keep Washington eligible for participation in the Nonresident Violator Compact (NVC), the DOL must suspend the license of a person who fails to comply with the terms of a traffic citation issued by another jurisdiction that is a party to the NVC or is a jurisdiction with which Washington has entered into an agreement pursuant to RCW 46.23.020.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on September 1, 2010.

Staff Summary of Public Testimony on Original Bill (Judiciary): PRO: The policy behind the current system is to collect a civil debt. It doesn't apply to bad drivers, as long as you pay your tickets, you can continue to drive. The criminal system is being used now to collect this civil debt and it's very expensive. DWLS-3 cases take up about 15 percent of prosecutors' time and are about one-third of the cases. Can we collect this civil debt a better way? Through more aggressive use of collection agencies and nonrenewal of driver's licenses, we can accomplish as much as we are now at almost zero cost. It's not a rare case that people don't get the notices about their tickets. We're spending an awful lot of money for the small number of people we're actually affecting with the current law. People are asking for more police and money to be spent on public safety types of issues. Alignment is what we're striving for, what is the right penalty for driving with a suspended license? It's not appropriate to be put in jail for not being able to pay a ticket. We don't put people who don't wear a seat belt in jail or for photo enforcement violations. The counties spend 120 million on indigent, of which the state pays less than 5 percent. If only 10 percent of that 120 million is associated with driving with licenses suspended, that would be 12 million that could be spent on more serious issues. This law sends people deeper into poverty.

CON: The number one cause of collisions are traffic infractions, including speeding. This proposal takes away one of our tools. Without the ability to hold people accountable, we are hard pressed to hold drivers responsible for their behavior. Driving with license suspended first, second, and third degree are some of those tools that help us keep people safe. The diversion relicensing bill that passed last session should be looked at for a longer time. We may be putting into place a system that lets people be in the system and get one, two, three, seven traffic infractions but never bother to get their license reissued. They will never be held accountable. We have some tools like the relicensing programs that are hopeful. We want to give these programs time to work.

OTHER: In the Rand study in Seattle about ten years ago, drivers with suspended licenses in the third degree were more than twice as likely to be in fatal and injury crashes. In

Washington, between 2001 and 2005, 18 percent of drivers in fatal accidents were unlicensed or suspended and nationally three out of four suspended or revoked drivers continue to drive.

Persons Testifying (Judiciary): PRO: Denis Tracey, Whitman County Prosecutor; Brian Enslow, Washington State Association of Counties; Lynda Ring Erickson, Mason County Commissioner; Bob Cooper, Washington Association of Social Workers.

CON: Jon Batiste, Chief, Washington State Patrol.

OTHER: Steve Lind, Washington Traffic Safety Commission; Doug Levy, Cities of Everett and Kent.

Staff Summary of Public Testimony Recommended Substitute (Transportation): PRO: This bill will help decriminalize poverty.

CON: This bill will remove the only tool to hold accountable those who chronically ignore the traffic laws.

Persons Testifying Recommended Substitute (Transportation): PRO: Senator Kline, prime sponsor; Brian Enslow, Washington State Association of Counties; Bob Cooper, Washington Defender Association, Washington Association of Criminal Defense Lawyers; Sophia Byrd McSherry, Washington State Office of Public Defense.

CON: John Batiste, Chief of Washington State Patrol; Don Pierce, Washington Association of Sheriffs and Police Chiefs; Doug Levy, Cities of Everett, Kent, Federal Way, Renton, Puyallup, and Redmond.