

**SENATE BILL REPORT**

**SB 5266**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 15, 1991**

**Brief Description:** Restructuring penalties for driving while suspended.

**SPONSORS:** Senators Thorsness, McMullen, Owen and A. Smith.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Richard Rodger (786-7461)

**Hearing Dates:** February 14, 1991; February 15, 1991

**BACKGROUND:**

State law contains a variety of crimes related to driving without a license. These crimes vary both as to the way in which they may be committed and as to the way they may be punished. Generally, punishments are more severe for repeat offenders, and for offenders who are driving while they have already had their licenses suspended or revoked for previous offenses.

A task force of judges, prosecutors, defense attorneys, the State Patrol and the Department of Licensing has recommended some restructuring of the statutes relating to driving without a license.

**SUMMARY:**

The crime of driving with a suspended or revoked license is restructured into three degrees.

The first-degree crime is a gross misdemeanor with mandatory minimum penalties that escalate with repeat offenses and that may not be suspended or deferred. The crime involves driving without a license when the driver has already been found to be an habitual offender.

The second-degree crime is also a gross misdemeanor, but without the mandatory minimum penalties of the first-degree crime. This degree of the crime involves driving while a license has been suspended or revoked for various offenses, other than being found to be an habitual offender. This degree does not cover instances in which a driver is

apprehended after the period of suspension or revocation has passed but before the driver's license has been reinstated.

The third-degree crime is a misdemeanor without mandatory minimum penalties. This degree of the crime involves driving without a license following a period of suspension or revocation but before the driver has had his or her license reinstated.

**EFFECT OF PROPOSED SUBSTITUTE:**

The department may not extend the license suspension period for the third degree crime of driving with a suspended license.

Technical corrections are made.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**Effective Date:** Section 9 takes effect April 1, 1992.

**TESTIMONY FOR:**

A task force developed this legislation to make the law easier to apply and to give proportionality to the separate offenses. These crimes usually involve economic circumstances that the offenders have a difficult time avoiding. This bill will lessen the burden on persons who are unable to obtain their licenses for economic reasons.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Judge Robert McBeth, District and Municipal Court Judges Assn. (pro); Captain Tim Ericson, WSP (pro)