

HOUSE BILL REPORT

ESHB 2534

As Passed House:

February 8, 1996

Title: An act relating to penalties for driving without a driver's license.

Brief Description: Decriminalizing driving without a license.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Sheahan, Dellwo, Sterk, Cody, Hickel, Morris and Thompson).

Brief History:

Committee Activity:

Law & Justice: 1/31/96, 2/2/96 [DPS].

Floor Activity:

Passed House: 2/8/96, 94-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Bill Perry (786-7123).

Background: Under current law, driving without a valid driver's license is a misdemeanor, punishable by up to 90 days in jail and a \$1,000 fine. Under the same statute, driving without a valid driver's license is a lesser-included offense within the offenses of driving while a license is suspended or revoked, and operating a motor vehicle under another license or permit while the driver's license is suspended or revoked.

The Office of the Administrator for the Courts estimates that 20 percent of all traffic misdemeanors filed in courts of limited jurisdiction are for violations of this statute. Courts routinely allow defendants to forfeit bail and serve no jail time, and courts impose no fines, if the defendants show proof of obtaining valid driver's licenses prior to adjudication. The amount of the bail forfeited usually is around \$150.

A traffic infraction is not a criminal offense. Unless otherwise provided, the maximum monetary penalty for a traffic infraction is \$250.

Summary of Bill: The crime of driving without a valid license is reduced to an infraction if the driver produces acceptable identification or an expired license at the time of arrest. The fine for this infraction is \$250, except the fine will be reduced to \$50 if the driver obtains a valid license.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This offense almost never results in a jail sentence. Having it a crime unnecessarily adds time and expense to processing cases.

Testimony Against: Making offenses infractions denies citizens constitutional guarantees of due process.

Testified: Judges John McCarthy and Robert McBeth, Washington Municipal and District Courts Association (pro); Mike Patrick, Washington State Council of Police Officers (con); and Robert Droman, citizen (con).