

HOUSE BILL REPORT

SHB 1501

As Reported By House Committee On:
Transportation Policy & Budget

Title: An act relating to drivers' licenses.

Brief Description: Clarifying and making technical corrections to driver's license statutes.

Sponsors: House Committee on Transportation Policy & Budget (originally sponsored by Representatives Robertson, Scott and Mielke; by request of Department of Licensing).

Brief History:

Committee Activity:

Transportation Policy & Budget: 1/14/98, 1/26/98 [DP2S].

HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 27 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Fisher, Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; Constantine; DeBolt; Gardner; Hatfield; Johnson; McCune; Murray; O'Brien; Ogden; Radcliff; Robertson; Romero; Scott; Skinner; Sterk; Wood and Zellinsky.

Staff: Paul Neal (786-7315).

Background: HB 1501 is aimed primarily at clarifying procedural issues and making technical corrections to the driver's license statutes.

In the 1994 Youth Violence Prevention Act, the Legislature amended RCW 46.20.265 so that multiple driver's license revocations for minors convicted of repeated alcohol, drug and firearm offenses, run consecutively. However, due to a drafting oversight, the portion of RCW 46.20.265 pertaining to driver's license reinstatement was not accordingly amended.

The statute that specifies the appeal process following determination by the Department of Licensing (DOL) that a driver's license should be suspended or revoked following an

arrest for driving under the influence, provides that the appeal be filed "in the same manner as an appeal from a decision of a court of limited jurisdiction." Generally, this provision has been interpreted to mean that the supreme court's Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) should apply. However, use of the RALJs has caused confusion in some courts due to the apparent inapplicability of many of the rules to an administrative agency.

In 1995 the Legislature directed the department to waive the \$50 fee for a probationary driver's license when a person who already possesses a probationary license is required to obtain a new one. The 1995 amendment to abolish the fee does not, however, allow the DOL to waive the requirement that a person obtain a new probationary license which is merely a duplicate of the one previously issued.

RCW 46.61.503 makes it a crime for a minor to drive a motor vehicle while having an alcohol concentration of 0.02 or more. The implied consent statute, RCW 46.20.308, speaks to whether the minor was driving or in actual physical control of the vehicle.

Summary of Second Substitute Bill: RCW 46.20.265 is amended to clarify that reinstatement of a juvenile's privilege to drive following a revocation is subject to expiration of the revocation periods prescribed in statute.

RCW 46.20.285 is amended to account for revocation of a driver's license due to conviction for driving under the influence of intoxicating liquor or any drug, as enacted by the Legislature in 1997.

The process for appealing a driver's license suspension or revocation following an arrest for driving while under the influence of alcohol or drugs is set forth. Namely, notice of appeal must be filed within 30 days after the date the final order is served. The appeal is confined to the record of the administrative hearing. The determination of the superior court is limited to whether the department has committed any errors of law.

The requirement to obtain an additional probationary license upon renewal is abolished.

RCW 46.61.503 is amended to clarify that it is a crime for a minor to be in physical control of, not just driving, a motor vehicle while having an alcohol concentration of 0.02 or more.

A name of record is established for a person holding a driver's license. Once established, DOL is prohibited from changing a person's name of record in the department's records absent production of documentary evidence required by RCW 46.20.035 or rules adopted thereunder.

Second Substitute Bill Compared to Substitute Bill: The second substitute bill includes: 1) an amendment to account for revocation of a driver's license due to

conviction for driving under the influence of intoxicating liquor or any drug, as enacted by the Legislature in 1997; 2) amendments establishing a name of record for a person holding a driver's license. Once established, DOL is prohibited from changing a person's name of record in the department's records absent production of documentary evidence required by RCW 46.20.035 or rules adopted thereunder; and 3) changing the effective date.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: The bill takes effect on July 1, 1998.

Testimony For: These technical changes are necessary to increase internal consistency of the amended statutes.

Testimony Against: None.

Testified: Clark Holloway, Department of Licensing.