

HOUSE BILL REPORT

SB 5374

As Reported By House Committee On:
Transportation

Title: An act relating to corrective amendments to certain drivers' licensing statutes.

Brief Description: Making corrective amendments to certain drivers' licensing laws.

Sponsors: Senators Heavey and Johnson; by request of Department of Licensing.

Brief History:

Committee Activity:

Transportation: 4/1/99, 4/5/99 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Harmonizes certain drivers' licensing statutes in order to clarify current ambiguities existing in law.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 24 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair, Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Murray; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

Staff: Kelly Simpson (786-7305).

Background:

The Department of Licensing (DOL) currently issues paper instruction permits not containing a photograph, both for security reasons and to facilitate student participation in traffic safety education courses provided by public schools during on-site school visits. DOL currently waives \$1 of the fee charged, as past legislation has indicated that \$1 of the fee is for the photograph.

The DOL currently has authority to suspend an individual's driver's license for failure to pay traffic infractions by the time required. However, the current RCW section authorizing the DOL to suspend driver's licenses for failure to respond to a notice of traffic infraction lacks a reference to the statute authorizing the DOL to suspend for failure to pay the traffic infraction penalty.

Recent legislation has restricted participation in a deferred prosecution program for persons arrested for alcohol-related traffic offenses to one program in a person's lifetime. However, this change was not reflected in the DOL's license sanctions statute.

The current statute addressing driving while license is suspended or revoked in the second degree does not reflect conviction of reckless endangerment of roadway workers, nor does it reflect convictions of offenses substantially similar to violations included in this statute (for example, out-of-state convictions).

Recent legislation made occupational driver's licenses (ODL) available for those individuals with suspended licenses due to alcohol-related traffic offenses. However, this legislation created situations where a driver's license may be suspended twice for actions arising from the same incident (once as a result of the arrest, and again if the arrest results in a criminal conviction). The procedure for issuance of an ODL is not clear if an individual facing two license suspensions for the same incident applies for an ODL.

The statutory requirement for courts to forward abstracts of convictions for traffic offenses to the DOL contains an archaic reference to certification of the abstract.

The authority to suspend and revoke driver's licenses has been delegated to the DOL. However, some lower court decisions have made license suspensions or revocations a duty of the courts.

Recent legislation increased the time period for a revocation of a driver's license of an individual declared to be an habitual traffic offender from five to seven years. However, this legislation inadvertently omitted a conforming amendment to the DOL statutes.

In order to drive a motorcycle on Washington highways, a person must first hold a valid driver's license and then obtain one of three types of motorcycle endorsements. The different types of special motorcycle endorsements are determined by the engine size of the motorcycle. Those holding motorcycle learner's permits, are prohibited from driving on a controlled, limited access facility and must be under the direct supervision of an experienced driver.

Summary of Amended Bill:

An amendment clarifies the DOL’s authority to issue non-photo instruction permits for a reduced fee.

An amendment clarifies that failure to pay traffic infractions by the time required subjects an individual to license suspension by the DOL.

A conforming amendment is made to account for 1998 Driving Under the Influence amendments that restricted participation in a deferred prosecution program to once in a person’s lifetime.

An amendment reflects that individuals driving under a suspended or revoked license due to conviction of reckless endangerment of roadway workers or conviction of an offense substantially similar to violations included in current law are guilty of driving while license suspended or revoked in the second degree.

An amendment clarifies procedures for issuance of an ODL where there has been administrative license sanctions imposed as the result of an alcohol-related traffic offense.

An amendment removes an archaic requirement that abstracts of conviction transmitted by the courts be certified.

An amendment clarifies that license suspension or revocation based on conviction for alcohol-related offenses remains the responsibility of the DOL.

An amendment accounts for a change in habitual traffic offender revocation time periods made by the Legislature in 1998.

A motorcycle endorsement authorizes the holder to operate any size motorcycle. Motorcyclists holding a motorcycle learner’s permit are allowed to drive on a controlled, limited access facility, and without visual supervision.

Amended Bill Compared to Original Bill: Technical amendments were added to ensure that changes made in SHB 1294 are non-substantive in nature. Certain motorcycle endorsement changes were made.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Arguable ambiguities exist in current drivers' licensing statutes. This bill is an attempt to harmonize the statutes in order to remedy those ambiguities.

Testimony Against: None.

Testified: Clark Holloway, Department of Licensing.