

SENATE BILL REPORT

SB 5524

As Passed Senate, March 9, 1995

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

Brief Description: Decriminalizing certain traffic offenses.

Sponsors: Senators Smith, Johnson and C. Anderson.

Brief History:

Committee Activity: Law & Justice: 2/15/95, 2/20/95 [DP].
Passed Senate, 3/9/95, 40-6.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, McCaslin and Schow.

Staff: Lidia Mori (786-7755)

Background: Driving without a valid driver's license is a misdemeanor which is punishable by up to 90 days in jail and a \$1,000 fine. The Office of the Administrator for the Courts estimates that 20 percent of all misdemeanors filed in the limited jurisdiction courts are for violations of this statute. The courts routinely allow defendants to forfeit bail and serve no jail time if they show proof of obtaining a valid driver's license prior to adjudication. The amount of bail forfeited is generally \$150.

It is a misdemeanor to operate a motor vehicle in a negligent manner so as to endanger or likely endanger any persons or property. The offense of operating a vehicle in a negligent manner is not punishable by imprisonment nor by a fine exceeding \$250. Almost all courts will allow defendants to post and forfeit bail without requiring a court appearance. The process of paying a fine in lieu of making an appearance is similar to the process used for traffic infractions. However, in contrast to infractions, negligent driving charges require local government to pay for public defenders for indigent defendants.

Summary of Bill: Driving without a valid operator's license is a violation punishable as a traffic infraction. The court dismisses the charge of no valid driver's license if the person had a valid driver's license at the time he or she is cited. The court may assess the person \$25 in administrative costs.

Operating a motor vehicle in a negligent manner is an infraction and is subject to penalties set by the Supreme Court or community service.

The Supreme Court is directed to set the base penalty for each of these violations.

Appropriation: None.

Fiscal Note: Requested on February 8, 1995.

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

Testimony For: The hammer being used in this bill is the license suspension. We are using economic pressure to get people to follow the law, i.e., get a driver's license. It is patterned after a similar law pertaining to insurance.

Testimony Against: None.

Testified: Judge McCarthy, Judge Robert McBeth, District and Municipal Court Judges Assn. (pro).