

FINAL BILL REPORT

2SHB 1501

C 41 L 98

Synopsis as Enacted

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).

House Committee on Transportation Policy & Budget
Senate Committee on Law & Justice

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

The statute specifying the appeal process following a 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 because many of the rules are apparently not applicable 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.

It is a crime for a minor to drive a motor vehicle while having an alcohol concentration of 0.02 or more. The statute, unlike the implied consent statute, does not speak to minors in actual physical control of the vehicle.

A person must provide documentary proof of his or her identity in order to have a driver's license issued in the person's name. Once established, however, a person

can change the name on his or her license without providing proof that the person's name has been legally changed.

Summary: The Legislature intends to clarify procedural issues and make technical corrections to the driver's license statutes. Reinstatement of a juvenile's privilege to drive following a revocation is subject to expiration of the revocation periods prescribed in statute.

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. The 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.

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, the DOL is prohibited from changing a person's name of record in the department's records absent production of documentary evidence required by statute or rules.

Votes on Final Passage:

House 96 0

Senate 44 0

Effective: July 1, 1998