

HOUSE BILL REPORT

EHB 2066

As Reported by House Committee On:

Public Safety
Transportation

Title: An act relating to restrictions on driver's licenses associated with certain criminal offenses.

Brief Description: Addressing restrictions on driver's licenses associated with certain criminal offenses.

Sponsors: Representatives Davis, Pellicciotti, Goodman, Appleton, Sutherland, Graham, Klippert, Leavitt and Pollet.

Brief History:

Committee Activity:

Public Safety: 2/19/19, 2/21/19 [DP], 1/23/20 [DPS];
Transportation: 2/5/20, 2/11/20 [DP2S (w/o sub PS)].

Brief Summary of Second Substitute Bill

- Narrows the circumstances in which the Department of Licensing must revoke the driver's license of a person convicted of a felony to apply only when the sentencing court determines that a motor vehicle was used in a manner that endangered persons or property, unless revocation is required for the specific type of offense under current law.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Goodman, Chair; Davis, Vice Chair; Appleton, 2nd Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Kelly Leonard (786-7147).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person may not drive a motor vehicle on a roadway in Washington without having a valid driver's license. It is a criminal offense for a person to drive a motor vehicle while his or her driver's license is suspended or revoked.

The Department of Licensing (DOL) is required to revoke a person's driver's license when he or she is convicted of certain criminal offenses, including:

- Vehicular Homicide or Vehicular Assault;
- certain impaired driving offenses;
- failure to stop and give information or render aid in certain circumstances involving a motor vehicle accident resulting in death or personal injury;
- perjury or the making of a false statement to the DOL under certain circumstances;
- Reckless Driving when it is the third or subsequent conviction; or
- any felony in the commission of which a motor vehicle is used.

When a person is convicted of any felony in the commission of which a motor vehicle is used, other than the specific offenses listed, the revocation lasts for one calendar year. After the revocation period has expired, the person must reapply to the DOL in order to receive a driver's license. The DOL must be satisfied with the applicant's driving ability, and the applicant must provide proof of insurance and pay a reissue fee of \$75.

Similar revocation requirements apply to commercial driver's licenses under the Uniform Commercial Driver's License Act. This includes revoking a commercial license for a person convicted of any felony in the commission of which a motor vehicle is used.

Summary of Substitute Bill:

If a person is convicted of a felony, the DOL is required to revoke his or her driver's license when the sentencing court determines that in the commission of the offense a motor vehicle was used in a manner that endangered persons or property, unless the felony otherwise falls within the list of specific offenses requiring revocation under current law.

The revocation requirements for commercial driver's licenses are unchanged.

Substitute Bill Compared to Engrossed Bill:

The substitute bill requires the DOL to revoke the driver's license of a person who is convicted of a felony if the sentencing court determines that in the commission of the offense a motor vehicle was used in a manner that endangered persons or property (rather than if a vehicle was used in the commission of the offense and the sentencing court determines that community safety requires revocation of the driver's license). A delayed effective date of January 1, 2021, is added.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2021.

Staff Summary of Public Testimony:

See House Bill Report in the 2019 Legislative Session.

Persons Testifying: See House Bill Report in the 2019 Legislative Session.

Persons Signed In To Testify But Not Testifying: See House Bill Report in the 2019 Legislative Session.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 30 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Doglio, Duerr, Dufault, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, McCaslin, Mead, Orcutt, Ortiz-Self, Paul, Ramos, Riccelli, Shewmake, Van Werven and Volz.

Staff: Christine Thomas (786-7142).

Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Public Safety:

The effective date is changed from January 1, 2021, to January 1, 2022.

Appropriation: None.

Fiscal Note: Available. A new fiscal note requested on February 13, 2020.

Effective Date of Second Substitute Bill: The bill takes effect on January 1, 2022.

Staff Summary of Public Testimony:

(In support) A catch-all provision in current law is problematic as driver's licenses are revoked despite there being no public safety reason to do so. Even if the vehicle was not central to the crime, judges have no discretion to not revoke a driver's license in the case of a felony conviction where a motor vehicle was used. Not having a driver's license is a significant barrier for people to obtain insurance, attend mental health and substance abuse treatment, comply with supervision requirements, pick up their children, or go to work. Under this bill, a judge retains discretion to revoke a driver's license if the circumstances are appropriate.

(Opposed) None.

Persons Testifying: Representative Davis, prime sponsor; and Eric Gonzalez Alfaro, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.