

HOUSE BILL REPORT

HB 1182

*As Reported By House Committee on:
Judiciary*

Title: An act relating to motor vehicles.

Brief Description: Restructuring penalties for driving while suspended.

Sponsor(s): Representatives Wineberry, Padden, Van Luven, Riley, Orr and Rasmussen.

Brief History:

Reported by House Committee on:
Judiciary, January 26, 1991, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: *Do pass.* Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; Tate; Vance; and Wineberry.

Staff: Bill Perry (786-7123).

Background: State law contains a variety of crimes related to driving without a license. These crimes vary both as to the way in which they may be committed and as to the way they may be punished. Generally, punishments are more severe for repeat offenders, and for offenders who are driving while they have already had their licenses suspended or revoked for previous offenses.

A task force of judges, prosecutors, defense attorneys, the state patrol and the Department of Licensing has recommended some restructuring of the statutes relating to driving without a license.

Summary of Bill: The crime of driving with a suspended or revoked license is restructured into three degrees.

- o The first-degree crime is a gross misdemeanor with mandatory minimum penalties that escalate with repeat offenses and that may not be suspended or deferred. The

crime involves driving without a license when the driver has already been found to be an habitual offender.

- o The second-degree crime is also a gross misdemeanor, but without the mandatory minimum penalties of the first-degree crime. This degree of the crime involves driving while a license has been suspended or revoked for various offenses, other than being found to be an habitual offender. This degree does not cover instances in which a driver is apprehended after the period of suspension or revocation has passed but before the driver's license has been reinstated.
- o The third-degree crime is a misdemeanor without mandatory minimum penalties. This degree of the crime involves driving without a license following a period of suspension or revocation but before the driver has had his or her license reinstated.

Fiscal Note: Requested January 17, 1991.

Effective Date: Section 9 takes effect April 1, 1992. The remainder of the bill takes effect ninety days after adjournment of session in which bill is passed.

Testimony For: The act makes a more rational differentiation of penalties. The current statutes sometimes result in inordinately long license suspensions for drivers based largely on the drivers' economic circumstances.

Testimony Against: None.

Witnesses: Judge Robert McBeth, Washington State Magistrates Association (in favor of bill); and Gary Riesen, Washington Association of Prosecuting Attorneys (in favor of bill).