

**SENATE BILL REPORT**

**SB 6330**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 5, 1992**

**Brief Description:** Concerning the operation of a motor vehicle while license is suspended or revoked.

**SPONSORS:** Senators Nelson, Madsen, Bauer, McCaslin, Oke and Roach

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, M. Kreidler, Madsen, Rasmussen, and A. Smith.

**Staff:** Dick Armstrong (786-7460)

**Hearing Dates:** February 4, 1992; February 5, 1992

**BACKGROUND:**

In 1991, upon the recommendation of a task force composed of judges, prosecutors, attorneys, the State Patrol, and the Department of Licensing, the Legislature enacted a statute that restructured the various crimes of driving with a suspended or revoked license into three categories of severity.

The first degree crime is a gross misdemeanor with mandatory minimum penalties that escalate with repeat offenses. The second degree crime is also a gross misdemeanor but without the mandatory minimum penalties. This crime involves driving with a suspended license and not being eligible for reinstatement. The third degree crime is a misdemeanor and involves driving with a suspended license because of failure to get alcohol and drug treatment or furnish financial responsibility.

It was intended, but not specifically set forth, that the third degree crime would also include a person who was driving while suspended but while the person was actually eligible to be reinstated.

It is suggested that the statute be clarified on the classification of the crime when a person drives with a suspended license but is eligible for reinstatement of his or her license at the time of the violation.

**SUMMARY:**

The statute which sets forth the penalties for driving with a suspended or revoked license is clarified for crimes in the third degree. A person who drives while suspended or revoked,

but who is eligible for reinstatement, is guilty of the crime of driving while license suspended or revoked in the third degree, a misdemeanor.

**EFFECT OF PROPOSED SUBSTITUTE:**

An emergency clause is added to the bill.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

This bill eliminates a technical oversight in the law. The bill makes explicit what was the original intent of the task force. An emergency clause is needed to implement the law as quickly as possible.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Judge McBeth, District Court Judges Assn.; Rich Sanderud, Puyallup Pride; Ms. K.R. Rusk, MADD