
SUBSTITUTE SENATE BILL 5732

State of Washington

61st Legislature

2009 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, McCaslin, Regala, and Hargrove)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to traffic infractions for drivers whose licenses
2 or privileges are suspended or revoked; and adding a new section to
3 chapter 46.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW
6 to read as follows:

7 (1)(a) A person who violates RCW 46.20.342(1)(c)(iv) in a
8 jurisdiction that does not have a relicensing diversion program shall
9 be provided with a certified abstract of his or her driving record by
10 the court or the prosecuting attorney, in addition to a list of his or
11 her unpaid traffic offense related fines and the contact information
12 for each jurisdiction or collection agency to which money is owed.

13 (b) A fee of up to twenty dollars may be imposed by the court in
14 addition to any fee required by the department for provision of the
15 driving abstract.

16 (2)(a) Superior courts or courts of limited jurisdiction in
17 counties with a population less than thirty thousand or cities with a
18 population less than twenty thousand are authorized to participate or

1 provide relicensing diversion programs to persons who violate RCW
2 46.20.342(1)(c)(iv).

3 (b) Eligibility for the diversion program shall be limited to
4 violators with no more than four warrants for failure to appear in the
5 last ten years, subject to a less restrictive rule imposed by the
6 presiding judge of the county district court or municipal court, and no
7 more than four violations of RCW 46.20.342(1)(c)(iv) in the last ten
8 years. People subject to arrest under a warrant are not eligible for
9 the diversion program.

10 (c) The diversion option may be offered at the discretion of the
11 prosecuting attorney before charges are filed, or by the court after
12 charges are filed.

13 (d) A person who is the holder of a commercial driver's license or
14 who was operating a commercial motor vehicle at the time of the
15 violation of RCW 46.20.342(1)(c)(iv) may not participate in the
16 diversion program under this section.

17 (e) A relicensing diversion program that is structured to occur
18 after charges are filed may charge participants a one-time fee of up to
19 one hundred dollars, which is not subject to chapters 3.50, 3.62, and
20 35.20 RCW, and shall be used to support administration of the program.
21 The fee of up to one hundred dollars shall be included in the total to
22 be paid by the participant in the relicensing diversion program.

23 (3)(a) Superior courts or courts of limited jurisdiction in
24 counties with a population of thirty thousand or more or cities with a
25 population of twenty thousand or more are required to participate or
26 provide relicensing diversion programs to persons who violate RCW
27 46.20.342(1)(c)(iv).

28 (b) Eligibility for the diversion program shall be limited to
29 violators with no more than four warrants for failure to appear in the
30 last ten years, subject to a less restrictive rule imposed by the
31 presiding judge of the county district court or municipal court, and no
32 more than four violations of RCW 46.20.342(1)(c)(iv) in the last ten
33 years. People subject to arrest under a warrant are not eligible for
34 the diversion program.

35 (c) The diversion option may be offered at the discretion of the
36 prosecuting attorney before charges are filed, or by the court after
37 charges are filed.

1 (d) A person who is the holder of a commercial driver's license or
2 who was operating a commercial motor vehicle at the time of the
3 violation of RCW 46.20.342(1)(c)(iv) may not participate in the
4 diversion program under this section.

5 (e) A relicensing diversion program that is structured to occur
6 after charges are filed may charge participants a one-time fee of up to
7 one hundred dollars, which is not subject to chapters 3.50, 3.62, and
8 35.20 RCW, and shall be used to support administration of the program.
9 The fee of up to one hundred dollars shall be included in the total to
10 be paid by the participant in the relicensing diversion program.

11 (4) A relicensing diversion program shall be designed to assist
12 suspended drivers to regain their license and insurance and pay
13 outstanding fines.

14 (5)(a) Counties and cities that operate relicensing diversion
15 programs shall provide information to the administrative office of the
16 courts on an annual basis regarding the eligibility criteria used for
17 the program, the number of referrals from law enforcement, the number
18 of participants accepted into the program, the number of participants
19 who regain their driver's license and insurance, the total amount of
20 fines collected, the costs associated with the program, and other
21 information as determined by the office.

22 (b) The administrative office of the courts is directed to compile
23 and analyze the data required to be submitted in this section and
24 develop recommendations for a best practices model for relicensing
25 diversion programs.

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