

HOUSE BILL REPORT

HB 1480

As Reported by House Committee On: Transportation

Title: An act relating to requiring additional criteria to be met for the department of licensing to suspend a driver's license.

Brief Description: Requiring additional criteria to be met for the department of licensing to suspend a driver's license.

Sponsors: Representatives Hayes, Riccelli, Irwin, Lovick, Holy and Santos.

Brief History:

Committee Activity:

Transportation: 2/8/17, 2/15/17 [DP].

Brief Summary of Bill

- Modifies law for noncriminal offenses to require that a person's driver's license is suspended when he or she fails to respond to a notice of traffic infraction or fails to comply with the terms of a notice of a traffic infraction only when that driver already has two or more outstanding traffic infractions for moving violations.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 23 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Van Werven and Young.

Minority Report: Do not pass. Signed by 2 members: Representatives Orcutt, Ranking Minority Member; Pike.

Staff: Jennifer Harris (786-7143).

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.

No person may drive a motor vehicle on a roadway in the state without having a valid driver's license. It is unlawful for a person to drive a motor vehicle while that person's driver's license is suspended.

The Department of Licensing (DOL) must suspend an individual's driver's license when it receives notice from a court that he or she: (1) has committed an offense for which mandatory revocation or suspension of a driver's license is required (including driving under the influence (DUI) and related offenses, vehicular homicide and assault offenses, racing or reckless driving, and negligent driving offenses); (2) has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage; (3) has been convicted of moving violation offenses or committed traffic infractions with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways; (4) is incompetent to drive a motor vehicle; (5) has committed prohibited practices related to driver's license fraud and improper use; (6) has failed to respond to a notice of traffic infraction; (7) has failed to appear at a requested hearing; (8) has violated a written promise to appear in court; (9) has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation; (10) has been certified by the Department of Social and Health Services as a person who is not in compliance with a child support order; (11) is subject to suspension as an incompetent, unqualified driver; or (12) is subject to suspension due to failure to pay a civil judgment related to a motor vehicle crime.

A driver's license suspension for failure to respond or failure to comply with the terms of a notice of traffic infraction remains in effect until the DOL receives a certificate from the court showing that the case has been adjudicated and the person pays a reissuance fee of \$75. A suspension does not take effect if, prior to the effective date of the suspension, the DOL receives a certificate from the court showing that the case has been adjudicated.

If a person drives a motor vehicle in the state while his or her driver's license is suspended due to failure to respond to a notice of traffic infraction or for failure to comply with the terms of a notice of a traffic infraction, that individual is guilty of "Driving While License Suspended or Revoked in the third degree," which is a misdemeanor. The current fine for this offense is \$500.

Summary of Bill:

For noncriminal offenses, a person's driver's license is suspended when he or she fails to respond to a notice of traffic infraction or for failure to comply with the terms of a notice of a traffic infraction only if that driver has received two or more outstanding traffic infractions for moving violations on at least two separate occasions at the time the determination of qualification to receive a suspension occurs.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2019.

Staff Summary of Public Testimony:

(In support) When a law enforcement officer makes traffic stops and finds a driver's license has been suspended, the person stopped often says that they did not realize their driver's license was suspended—they remember getting a traffic ticket and remember that they did not pay it, but they do not remember receiving any notice in the mail. Once a person gets a ticket, if they fail to pay the fine, the DOL sends out a letter in the mail to the last address of record and notifies the recipient that their driver's license will be suspended if the ticket is not paid.

Technically, you are supposed to update your address with the DOL when you move—some people do and some do not. If a college student is going back and forth to campus, living away from home, and parents do not forward mail, then the college student will not know that his or her driver's license has been suspended. This is almost a daily occurrence.

The purpose of the bill is to help people who do not pay their ticket, whether on purpose or not, but who do not realize that their driver's license is about to be suspended. If it shows up on a driving record that there is one failure to pay a ticket, an officer will have the ability to tell the person that this could lead to a driver's license suspension. This gives people a couple of more steps before a driver's license suspension.

The bill also combats the situation of driving while poor for those who cannot afford to pay their ticket. This is also very common. The bill gives people another chance to maintain their driver's license, get their legal issues in hand, and pay their tickets. It gives law enforcement officers the opportunity to tell people they stop that they have unpaid tickets—because once this situation starts to snowball, it grows worse for people fast. This situation makes it harder for people to provide for themselves if their driver's license is suspended and they cannot pay the fines to get it back. There are many reasons people have a driver's license suspended—this bill addresses just one of them.

Losing a driver's license can be devastating. It can lead to the loss of a home and of retirement savings, and it can lead to people needing to go on welfare. They may never be able to pay the fine. This is a difficult position to be in. Three-hundred thousand people have had their licenses suspended for unpaid fines. This bill does not help these people. The bill will give a little leeway to law enforcement for someone who says they didn't know their license was suspended. These people are not productive citizens without a driver's license. Taxpayer dollars are going to feed and care for these people, not to fix potholes or anything else. This brings a lot of unhappiness to people's lives.

The state Supreme Court has held in three cases that the state cannot punish a person because they are poor. There are a class of people that cannot be punished with a fine because they have no money to pay the fine. These people should have a way to get their driver's license back. If people can get a job because they can drive, they will not need to be on welfare and can take care of themselves. People need a driver's license to survive in society. The answer

may be that the fine needs to be eliminated and suspensions should last a certain number of days as the penalty. This would simplify things. It would alleviate a lot of the stress that exists between law enforcement and people in these situations. These people just don't have the money. The state's position seems to be that the money is more important than the people.

(Opposed) None.

Persons Testifying: Representative Hayes, prime sponsor; and Stephen Johnson.

Persons Signed In To Testify But Not Testifying: None.