

# SENATE BILL REPORT

## SB 5462

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As of February 18, 2019

**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:** Senators Takko, Zeiger, Das and Padden.

**Brief History:**

**Committee Activity:** Law & Justice: 2/18/19.

**Brief Summary of Bill**

- Allows suspension of a person's driver's license for failure to respond or comply with a traffic infraction for a moving violation only if the person has received one or more other traffic infractions for moving violations that remain outstanding at the time of suspension.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** There are numerous circumstances, both criminal and noncriminal, under which the Department of Licensing (DOL) is required by statute to suspend or revoke a person's driver's license. Some of the more common reasons are conviction of driving under the influence of alcohol or drugs, failure to comply with or pay criminal traffic citations, failure to pay civil traffic infractions for a moving violation, or failure to appear at a requested hearing for a moving violation.

A person who receives a civil traffic infraction must respond within 15 days by paying the monetary penalty or requesting a hearing. If the person fails to pay the infraction or fails to appear at the requested hearing, the court must notify DOL. If the person appears at the hearing and the court assesses a monetary penalty for the traffic infraction, the monetary penalty is payable immediately. If the person is unable to pay at the time, the court may

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grant an extension. Courts may also enter payment plans with the person. If the penalty is not paid within the granted time, the court must notify DOL of the failure to pay.

Drivers who have had their licenses suspended may qualify for an occupational license for the length of the license suspension. An occupational license may only be used for specific purposes, including work, school, substance abuse treatment, and driving to a healthcare provider. The license restricts the times, areas, and vehicles a person may drive.

It is a crime for a person to drive a motor vehicle in this state while that person's privilege to drive is suspended or revoked. A person is guilty of driving while license suspended in the third degree when the person's license has been suspended for the failure to pay, appear, or comply with a notice of traffic infraction for a moving violation.

**Summary of Bill:** Failure to respond or failure to comply with a notice of traffic infraction for a moving violation will only result in suspension of the person's driving privileges when the person has received one or more other traffic infractions for moving violations that remain outstanding at the time of suspension.

If a person fails to meet the obligations of a payment plan entered into as a result of a traffic infraction for a moving violation, the person's license shall be suspended only if the statutory requirements for initial suspension are met.

**Appropriation:** None.

**Fiscal Note:** Requested on February 12, 2019.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on January 1, 2021.

**Staff Summary of Public Testimony:** PRO: This bill is an alternative to SB 5328 that gives a free pass to someone for the failure to comply with a traffic infraction. This bill gives someone an opportunity to get their record cleaned up within a reasonable amount of time rather than giving them a free pass.

It also gives a person facing a DWLS3 an opportunity to go back and take care of the issue to get the matter dismissed. It makes a big difference to collection efforts when a person is facing the potential loss of their driver's license. When a person gets notice, individuals contact the courts or collection agency and will attempt to enter into a payment agreement.

CON: This bill stops short of giving people actual relief. This bill will help some people keep their license but will not solve the underlying issues that accompany DWLS3. SB 5328 is not a free pass. People who do not pay are ultimately still subject to collection of the debt.

**Persons Testifying:** PRO: Senator Dean Takko, Prime Sponsor; Kelsi Hamilton, Washington Collectors Association.

CON: Eric Gonzalez Alfaro, Legislative Director, American Civil Liberties Union of Washington.

**Persons Signed In To Testify But Not Testifying:** No one.