Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Transportation Committee

HB 1596

Brief Description: Concerning accountability for persons for speeding.

Sponsors: Representatives Leavitt, Goodman, Ryu and Berry.

Brief Summary of Bill

- Creates the option to apply for a new restricted driver's license for a person whose license is suspended for an accumulation of too many moving violations or for reckless driving, and in which excessive speed was a factor in the offense.
- Requires the use of an intelligent speed assistance device, as a condition to the new restricted driver's license, to a probationary period following a suspension for the offenses in which excessive speed was a factor, or by order of a court of limited jurisdiction, in order to limit the operation of a vehicle to no more than the speed limit, with certain exceptions.

Hearing Date: 1/30/25

Staff: Mark Matteson (786-7145).

Background:

Driver's Licenses, Generally.
A driver's license is required to operate a vehicle on Washington roads for most individuals. To obtain a driver's license, an individual must pass a driver's licensing examination and pay the Department of Licensing (DOL) an initial issuance or renewal fee of $72 for a standard eight-year license, or $54 for a standard six-year license. A person may obtain an enhanced driver's license for an additional $56 for an eight-year license or $42 for a six-year license.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Driver's Licenses Authorized for Specific Circumstances.
The DOL is also authorized to issue restricted or special types of driver's licenses to individuals for specific circumstances, including Commercial Driver's Licenses, occupational and temporary restricted driver's licenses, and ignition interlock licenses, among others. Commercial Driver's Licenses are required for several types of larger vehicles, including a combination vehicle with a gross weight rating of 26,001 pounds or more, and are needed in various types of employment. An occupational license may be issued while a person's driver's license is suspended administratively by the DOL and allows the person to operate a vehicle, under certain conditions, in order to commute to work and certain other reasons. A temporary restricted license may be issued while a persons' driver's license is mandatorily suspended for the commission of certain crimes and allows the person to operate a vehicle under the same conditions, and for the same reasons as for an occupational license.

Ignition Interlock Driver's License.
An ignition interlock driver's license may be issued when the person has been convicted of impaired driving under either the Driving Under the Influence statute or the Actual Physical Control of a Vehicle While Under the Influence statute, Vehicular Homicide While Under the Influence, or Vehicular Assault While Under the Influence. Under the terms of the license, a person may only drive a vehicle equipped with a functioning ignition interlock device, into which the vehicle operator blows to verify that the blood alcohol content is below a certain level before the vehicle may start.

An ignition interlock device must be installed on all vehicles operated by the person, and it must remain in place during the license suspension, revocation, or denial period. In addition, a court may order the use of an ignition interlock device as a condition of pre-trial release of a defendant or as a condition of post-conviction probation. An ignition interlock user must pay the cost of installing, removing, and leasing the ignition interlock device, unless the company waives the costs or the person is indigent. In addition, the applicant must pay a $100 application fee and a $21 monthly fee to the DOL's Ignition Interlock Device Revolving Account, expenditures from which are used to offset the costs for indigent persons. If the ignition interlock device is removed or stops functioning, the person's license will be suspended until the device is reinstalled. It is a gross misdemeanor for a person to drive a vehicle without a properly installed device, or for the vehicle operator or another person to tamper with the device.

Ignition interlock devices are not required on an employer's vehicles that are driven by the convicted person when driving the vehicles is a requirement of employment during working hours. The person must provide the DOL with a declaration from the employer stating that the person is required to operate the employer's vehicle. The DOL must include a notation on the person's driving record applying the employer exemption. The employer exemption is not available if the employer's vehicle is assigned exclusively to the convicted person and is used solely for commuting to and from employment.

Traffic Laws Relating to Excessive Vehicle Speed.
A driver who operates a vehicle in excess of the posted speed limit commits a traffic infraction,

with certain exceptions, and is subject to a fine, which depends on the magnitude of the speed in excess of the limit and is prescribed under state court rules. Traffic infractions for speeding may also be issued for speed that is too fast for given roadway conditions or for certain speeds within school zones at certain times of day. Racing, the comparing or contesting of the relative speed of one or more motor vehicles, is a type of illegal conduct that constitutes reckless driving. In addition, excessive speed may be a factor in other vehicular crimes, such as in vehicular assault.

A driver following a slow-moving vehicle on a two-lane road may pass the vehicle at a speed that exceeds the speed limit, but only at such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

Suspensions.
A person's driver's license may be suspended by the DOL for a number reasons relating to the violation of the law, two of which include an accumulation of too many moving violations and a criminal conviction for reckless driving. A moving violation is a traffic infraction for violating the law while the vehicle is being operated and includes both criminal traffic infractions, such as for vehicular assault or for reckless driving, as well as non-criminal traffic infractions, such as for excessive speed or for disobeying traffic signals. While the penalty for a single moving violation is a fine that varies according to the severity of the offense, an accumulation of three or more moving violation infractions within a one-year period or four or more such infractions within a two-year period results in a suspension of the person's driver's license for a period of 60 days. In addition, the DOL must establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of the driver's license, the person must complete a safe driving course recommended by the DOL. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Conviction for a traffic infraction for a moving violation during this period will result in 30 days being added to the suspension period.

A person who drives a vehicle in disregard to the safety of people or property is guilty of reckless driving, a gross misdemeanor punishable by imprisonment for up to 364 days and a fine of $5,000 or less. In addition, the DOL must suspend the person's driver's license for at least 30 days.

Intelligent Speed Assistance Devices.
An intelligent speed assistance (ISA) device is a technical device designed to be installed within a motor vehicle to actively monitor and prevent the driver from exceeding a preset limit. Intelligent speed assistance devices employ a technology that uses a global positioning system to limit the velocity of a moving vehicle to the posted speed limit or some other preset speed. Some ISA devices are programmed include an override function to allow the vehicle to exceed the preset limit for the purposes of passing slow-moving vehicles or certain other conditions.

Summary of Bill:

A person who has had their driver's license suspended for certain reasons is eligible for an

intelligent speed restricted driver's license, a new type of restricted driver's license. To be eligible, the person must have had their driver's license suspended for an accumulation of moving violations, in which at least one of the violations was for excessive speeding, defined as traveling at 20 miles per hour or more above the speed limit, or for a conviction of reckless driving that also included a finding that the person was guilty of racing. To apply for the new type of license, the person must apply to the DOL, pay a fee of $100, and provide proof that an ISA device has been installed in all vehicles the person operates, except on certain vehicles owned by the person's employer. The license requires a person to operate a vehicle to no more than the posted speed limit; an exception is provided to allow the person to exceed the speed limit on up to three occasions per month for the purposes of passing slow-moving vehicles. The applicant for the new restricted license must demonstrate proof of financial responsibility for vehicle operation. The new restricted license is effective until the person's driver's license suspension is lifted and the DOL must require the person to maintain the device on all vehicles that the person operates for the duration of the suspension. The Director of the DOL may cancel the new restricted license for good cause.

The ISA device must employ a technology using a global positioning system (GPS) and be programmed to limit the operation of the vehicles to no more than the speed limit, generally. The ISA device must include an override function to allow the operator to exceed the speed limit on up to three occasions per month.

The person who is required to use an ISA device must pay for the costs of installing, removing, and leasing the device, as well as an additional fee of $21 per month. The DOL must deposit the additional fee to a new account, the Intelligent Speed Assistance Device Revolving Account, which is established to offset the costs of the ISA devices for indigent persons.

Following a suspension for an accumulation of moving violations, in which at least one of the violations was for excessive speeding, a person may not operate a vehicle without a properly functioning ISA device for the first 120 days of the probation period. A violation of this requirement is a traffic infraction. Following a suspension for a conviction of reckless driving that also included a finding that the person was guilty of racing, the DOL must establish a period of probation for 150 days and require the use of an ISA device during that time. A violation of this requirement is a traffic infraction that triggers an additional 30 day suspension of the person's driver's license. In either case where an ISA device is required, the person is otherwise required to operate a motor vehicle in a safe and lawful manner at all times. The obligation to use the ISA device is not a defense or mitigating circumstance to any violation of the rules of the road.

To be eligible to install, repair, maintain, monitor, or remove and ISA device, a person must apply to the DOL. An applicant seeking to install the device must submit a declaration that the device: meets the definition of an ISA device; employs a technology using a GPS; and is programmed to limit the velocity of a moving vehicle to the posted speed limit, with one exception. The ISA device must include an override function to allow the vehicle to exceed the speed limit up to three times per calendar month. The use of the override function is subject to

the provisions of the law governing the overtaking of slow-moving vehicles on two-lane roads. To maintain eligibility, a person must submit criminal background check results to the DOL for any individual hired to install, repair, maintain, monitor, or repair an ISA device.

A person who violates the terms of the new restricted license is guilty of a gross misdemeanor. A person who is required to use the ISA device and tampers with the device, or directs another person to tamper with the ISA device, is guilty of a gross misdemeanor. Another person who knowingly assists a person who is required to use an ISA device with the tampering of the device is guilty of a gross misdemeanor.

A court of limited jurisdiction may order the use of an ISA device, with respect to a criminal offense, as either a condition of pre-trial release of a defendant or of post-conviction probation, when the court finds that the person engaged in excessive speeding.

The provisions concerning the new restricted license and to the ISA device requirements do not apply to violations relating to the operation of a commercial motor vehicle.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill contains multiple effective dates. Please see the bill.