

WSR 21-02-029

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed December 28, 2020, 5:21 p.m., effective January 28, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting rules related to suspension periods for driver's licenses. The amendment will update the department's policy on suspension periods related to fraud. The amendment will allow for discretion as it relates to suspension periods, from a zero day suspension to three hundred sixty-four days, depending on the type of identity fraud, type of credential involved, driver status of the individual committing fraud, etc. This change will support an internal process already being used by driver and vehicle investigators.

Citation of Rules Affected by this Order: Amending WAC 308-104-075 Driver's licenses—Prohibited practices—Suspension, cancellation, or denial period.

Statutory Authority for Adoption: RCW 46.20.291.

Adopted under notice filed as WSR 20-23-098 on November 17, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 28, 2020.

Damon Monroe
Rules Coordinator

OTS-2703.2

AMENDATORY SECTION (Amending WSR 06-16-087, filed 7/31/06, effective 8/31/06)

WAC 308-104-075 Driver's licenses—Prohibited practices—Suspension, cancellation, or denial period. (1) The department ((shall)) may suspend, cancel, or deny all driving privileges of a person who has been convicted of or determined by the department to have committed one of the prohibited practices relating to drivers' licenses listed in RCW 46.20.0921 for a period ((of not less than sixty consecutive days and not more than)) up to three hundred sixty-four consecutive days. The following terms of suspension shall be determined by the department:

(a) Up to sixty days for identity theft or fraud with no connection to traffic safety;

(b) Ninety days for identity theft or fraud related to avoiding a revocation or suspension with no connection to traffic safety;

(c) One hundred eighty days for identity theft or fraud related to avoiding a revocation or suspension associated with traffic safety, or for separate additional offenses with no connection to traffic safety; or

(d) Three hundred sixty-four days for identity theft or fraud related to avoiding a revocation or suspension with a direct connection to traffic safety.

(2) For purposes of RCW 46.20.0921 (1)(e), an application for a commercial driver's license includes the application for a driver's license under RCW 46.20.091 and the application for a commercial driver's license under RCW 46.25.070.

[Statutory Authority: RCW 46.01.110, 46.20.207, 46.20.291. WSR 06-16-087, § 308-104-075, filed 7/31/06, effective 8/31/06.]