

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for December 11, 2018

1. Call To Order

Committee Chair Stephen Gockley called the meeting to order at 11:35 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Bill Elfo, Deborra Garrett, Stephen Gockley, Moonwater, Peter Ruffatto

Also Present: Ryan King (proxy for Raylene King), Kristen Hannah (proxy for Deborah Hawley)

Members Absent: Jill Bernstein, Deborah Hawley, Raylene King, Dave McEachran, Darlene Peterson,

Review November 13, 2018 Meeting Summary

The summary was not discussed.

4. Planning for Eric Richey presentation at January 8, 2019 Legal & Justice Systems Subcommittee meeting

Gockley reported on inviting Prosecutor-elect Eric Richey to the January Subcommittee meeting.

5. Planning for joint work between Legal & Justice Systems Subcommittee and Behavioral Health Subcommittee

Gockley reported on the work plan items similar to both committees: youth incarceration and juvenile justice and on bringing Judge Cedric Kerns to the county to discuss a youth offender court. He will report back about planning for a joint meeting after the January Steering Committee.

2. Restorative Community Coalition presentation on research into the effects of incarceration

- and -

3. Discussion of RCC presentation

Joy Gilfilen, Restorative Community Coalition, described her experiences interviewing members of the community who have gone through the criminal justice system and the trauma that results from entering into the criminal justice system. Calls for help to 9-1-1 for a family member often result in legal problems or worse. Families experience trauma because they didn't expect their loved one to be arrested and go into jail. First responders also experience trauma. She described the opportunities to change the system that occur between the call to 9-1-1 to arraignment.

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Chericka Ashmann described her educational and professional background in social services and submitted handouts (on file). She gave a presentation on her own experience in the criminal justice system.

Gilfilen described the potential resources in the community for healing trauma if they are engaged beyond the current limits.

Committee members and the presenters discussed how the threat of going to jail is no longer effective once someone has been in jail, the barriers to integrating back into society once released from jail, and how the jail can become the only alternative to homelessness and addiction if there aren't services.

Gilfilen and Ashmann stated their top priorities for the Task Force include:

- Trauma-trained first responders
- Creating a sobering center with counselors
- Holding only violent offenders in the main county jail, while making the Division Street facility a restorative center that includes rehabilitation, intervention, and other services.

Committee members and presenters continued to discuss law enforcement's crisis training, coordination between law enforcement and service providers, the need for more mental health providers in the community, eye movement desensitization and reprocessing (EMDR) trauma treatment, fiscal recalculation of system costs, and private versus public funding.

6. 2019 Work Plan

This item was held to the January meeting.

7. Other Business

This item was not discussed.

8. Public Comment

Mark Pearson, spoke on the potential of the Ground level Response and Coordinated Engagement (GRACE) program, funding per Revised Code of Washington (RCW) 70.44, family trauma, and mapping the system.

9. Adjourn

The meeting lost its quorum at 1:20 p.m. Discussion and public comment continued.

Legal & Justice System Subcommittee Work Plan Items:

Implement policies and procedures that will reduce number of bench warrants issued for FTAs

- Increase opportunities for people to resolve outstanding warrants
- Courthouse jail alternatives screening kiosk, including better transportation and other resources for court clients
- Conversations from the City of Bellingham and the small Cities about their practices.

- Develop mechanisms to prevent jail admissions for violations of probation/parole
- Review probation violations
- Use electronic home monitoring (EHM) to facilitate improvements throughout Whatcom County criminal justice system, including: post-trial, use of private EHM providers, used to reduce bench warrants

Expand book-and-release practices, including at municipal police stations

- Pre-arrest Diversion

Facilitate opportunities for individuals to pay off fines assoc. with moving violations

- Review strategies for reducing fines/interest
- Licensing Review

Consider restorative practices and their role in preventing incarceration

- Create some space on an upcoming Task Force agenda for an introductory presentation on RJ
- Research, map, and organize existing programs elsewhere (i.e. do a scan of where and how has RJ been applied)
- Committee to discuss and explore what may be of interest to pursue locally
- Bring to the Task Force a summary of research and recommended steps
- Concurrently, keep a pulse on other emerging local interests in RJ practices (e.g the DV Commission)

Reentry Support

- Community Resource handout for defendants: collect list of resources from Health Department and/or IPRTF Behavioral Health Committee
- Community Resource handout for defendants: Identify resource categories (housing, job seeking, healthcare, etc.) and other resources in the community that exist but are not included in the list from Behavioral Health
- Community Resource handout: Identify who the handout will go to and when
- Community Resource handout: format and design the handout
- Connections to Community Services: See above, community resource handout
- Ease of entry for behavioral health services
- Review information from Christopher Poulos at IPRTF April 2018 meeting and determine if the LJS Committee wants to move forward with any of his proposed reentry programs

Other:

- Get updated statistics
- Better use of jail alternatives/Division Street Resources
- Defense counsel to help defendants who plea to jail alternatives complete their paperwork
- Support Sheriff's request for more staffing to do this work: Review additional services requests for 2019-2020 Biennium
- Support Sheriff's request for more staffing to do this work: Draft a letter of support to the County Executive and County Council of the Sheriff's additional services requests

Transportation Committee

HB 1282

Brief Description: Concerning driver's license suspensions and revocations.

Sponsors: Representatives Reeves, Valdez, Gregerson, Pellicciotti, Frame, Fey, Robinson, Ortiz-Self, Stonier, Lovick, Kilduff, Pettigrew, Riccelli, Wylie, Appleton, Stanford, Santos, Bergquist, Jenkins, Kloba, Leavitt, Ormsby and Pollet.

Brief Summary of Bill

- Eliminates driver's license suspensions for failure to respond to notice of a traffic infraction for a moving violation, failure to appear at a requested hearing for a moving violation, violation of a written promise to appear in court for a moving violation, and failure to comply with the terms of a notice of traffic infraction or citation for a moving violation (non-criminal only).
- Reduces the offense of Driving While Driver's License Suspended (DWLS) in the third degree, a misdemeanor, to DWLS in the fourth degree, a non-criminal traffic infraction, when the person driving without a license received a suspension for certain specified grounds.
- Establishes a base penalty for DWLS in the fourth degree of \$250 (\$550 with fees and assessments included), which must be reduced to \$50 (\$140 total) when proof is provided to a court that the driver's license was reinstated after the citation was issued.
- Authorizes the Department of Licensing (DOL) to reinstate all driver's licenses suspended for reasons that are no longer grounds for suspension.
- Requires the DOL to notify anyone whose driver's license was suspended who may qualify for reinstatement, and to create an online application process for people to use to determine whether they are eligible for reinstatement, within 30 days of the effective date of the legislation.

Hearing Date: 2/26/19

Staff: Jennifer Harris (786-7143).

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.

Background:

Driver's License Suspension.

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;
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 in 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 failed to respond to a notice of traffic infraction for a moving violation;
6. has failed to appear at a requested hearing for a moving violation;
7. has violated a written promise to appear in court for a moving violation;
8. has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation;
9. is subject to suspension as an incompetent, unqualified driver;
10. is subject to suspension due to failure to pay a civil judgment related to a motor vehicle crime;
11. has committed prohibited practices related to driver's license fraud and improper use;
12. has been certified by the Department of Social and Health Services as a person who is not in compliance with a child support order; or
13. has failed to redeem an abandoned vehicle from a registered tow truck operator and then failed to respond to a notice of custody and sale and of the penalties for the traffic infraction "Littering—Abandoned Vehicle," sent by certified mail by the law enforcement agency responsible for directing the removal of the vehicle.

The DOL must also suspend an individual's driver's license when it receives notice from another state under the Non-Resident Violator Compact, or from a jurisdiction that has entered into an agreement with the DOL, of failure to comply with the terms of a traffic citation from the licensing authority of the issuing jurisdiction, other than for a standing, stopping, or parking violation. (The Non-Resident Violator Compact is an interstate compact used by most states to process traffic citations across state borders.)

When the DOL has suspended a person's driver's license, a new, duplicate, or renewal driver's license may not be issued until all requirements for reinstatement have been satisfied and a \$75 reissuance fee has been paid (this fee is increased to \$150 for suspensions due to driving under the influence offenses).

Occupational Driver's License.

A person whose driver's license is suspended administratively for certain specified reasons, including the reasons noted below, may apply to the DOL for an occupational driver's license:

- failure to respond to the notice of a traffic infraction for a moving violation;
- failure to appear at a requested hearing for a moving violation;
- violation of a written promise to appear in court for a moving violation; or
- failure to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation.

To qualify for an occupational driver's license, the applicant must demonstrate that it is necessary for him or her to operate a motor vehicle for work, for health care or dependent care needs, to attend an educational institution to pursue a course of study, for substance abuse treatment or participation in a 12-step program, for court-ordered community service, or for a work training program.

The applicant must also file proof of financial responsibility and pay an application fee set by law at \$100. An occupational driver's license is valid for the period of suspension or revocation.

Relicensing Programs.

Courts are authorized to participate in or to provide diversion programs for individuals with up to four convictions or infractions for Driving While License Suspended or Revoked (DWLS) in the 10 years preceding entry into the diversion program (subject to a less restrictive rule authorized by the presiding judge of the court).

Diversion programs must be designed to assist individuals with suspended driver's licenses in regaining their licenses, obtaining insurance, and paying outstanding fines. Participation in the program may be offered at the discretion of the prosecuting attorney or municipal prosecuting authority before charges are filed or by a court after charges are filed.

Driving While License Suspended or Revoked.

If a person drives a motor vehicle in the state while his or her driver's license is suspended, he or she is guilty of a traffic offense. The degree of the offense varies based on the underlying reason for the driver's license suspension or revocation, with the severity ranging from a misdemeanor to a gross misdemeanor with specified minimum penalties.

If a person found to be a habitual offender drives while his or her driver's license is revoked, the offense is DWLS in the first degree, a gross misdemeanor, subject to certain mandatory minimum penalties. If a person drives while his or her driver's license is suspended or revoked as a result of certain specified convictions or administrative actions by the DOL related to traffic offenses, the offense is DWLS in the second degree, a gross misdemeanor, and subject to gross misdemeanor penalties.

If a person drives while his or her driver's license is suspended or revoked for certain specified reasons, including those noted below, the offense is DWLS in the third degree, a misdemeanor:

- failure to respond to the notice of a traffic infraction for a moving violation;
- failure to appear at a requested hearing for a moving violation;
- violation of a written promise to appear in court for a moving violation;

- failure to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation;
- commission of an offense in another state that, if committed in Washington, would not be grounds for suspension or revocation;
- eligibility to reinstate a driver's license at the time of violation and the suspension would otherwise result in DWLS in the second degree; or
- two or more infractions for violating Intermediate Driver's License restrictions.

The penalty for DWLS in the third degree is up to a 90-day jail sentence and/or a fine of up to \$1,000.

Summary of Bill:

Driver's License Suspensions.

A person's driver's license is no longer suspended for the following reasons:

- failure to respond to a notice of traffic infraction for a moving violation;
- failure to appear at a requested hearing for a moving violation;
- violation of a written promise to appear in court for a moving violation; or
- failure to comply with the terms of a notice of traffic infraction or citation for a moving violation (non-criminal only).

Driving While License Suspended or Revoked.

If a person drives while his or her driver's license is suspended or revoked for the reasons specified below, the offense is reduced from DWLS in the third degree, a misdemeanor, to DWLS in the fourth degree, a non-criminal traffic infraction:

- reasons that are no longer grounds for suspension (see above);
- grounds for suspension for a moving violation under the Non-Resident Violator Compact;
- commission of an offense in another state that, if committed in Washington, would not be grounds for suspension or revocation;
- was eligible to reinstate his or her driver's license at time of violation and offense would otherwise be DWLS in the second or third degree; or
- received two or more infractions for violating Intermediate Driver's License restrictions.

The base penalty for DWLS in the fourth degree is \$250 (\$550 with fees and assessments included). This penalty is reduced to \$50 (\$140 with fees and assessments included), if proof is provided to the court that the driver's license has been reinstated after the citation was issued.

If a person drives a motor vehicle while his or her driver's license is suspended or revoked and would otherwise receive DWLS in the fourth degree, except that the person has three or more prior violations of DWLS in the fourth degree, the offense is raised to DWLS in the third degree.

Relicensing Programs.

Participation in relicensing programs may be offered by a court when a person is found to have violated DWLS in the fourth degree.

Driver's License Reinstatement.

The DOL is authorized to reinstate all driver's licenses suspended for reasons that are no longer grounds for driver's license suspension. By October 1, 2019, the DOL is required to notify any person whose driver's license it identifies may have been suspended for these reasons that his or her driver's license may be eligible for reinstatement, providing information on eligibility criteria in the notification. By October 1, 2019, the DOL is also required to create an online application process for people to use to determine whether they are eligible to have their license reinstated and that explains the process for reinstatement.

The \$75 driver's license reissuance fee required by law remains applicable for these driver's license reinstatements.

Appropriation: None.

Fiscal Note: Available.

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

HOUSE BILL 1282

State of Washington

66th Legislature

2019 Regular Session

By Representatives Reeves, Valdez, Gregerson, Pellicciotti, Frame, Fey, Robinson, Ortiz-Self, Stonier, Lovick, Kilduff, Pettigrew, Riccelli, Wylie, Appleton, Stanford, Santos, Bergquist, Jinkins, Kloba, Leavitt, Ormsby, and Pollet

Read first time 01/18/19. Referred to Committee on Transportation.

1 AN ACT Relating to driver's license suspensions and revocations;
2 amending RCW 46.20.289, 46.20.291, 46.20.341, 46.20.342, 10.37.015,
3 46.20.005, 46.20.391, 46.55.113, 46.63.020, 46.63.110, and 46.64.025;
4 reenacting and amending RCW 10.31.100; adding a new section to
5 chapter 46.20 RCW; prescribing penalties; and providing an effective
6 date.

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

8 **Sec. 1.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
9 read as follows:

10 (1) The department shall suspend all driving privileges of a
11 person: (a) When the department receives notice from a court under
12 RCW ((46.63.070(6), 46.63.110(6), or)) 46.64.025 that the person has
13 ((failed to respond to a notice of traffic infraction for a moving
14 violation, failed to appear at a requested hearing for a moving
15 violation, violated a written promise to appear in court for a notice
16 of infraction for a moving violation, or has)) failed to comply with
17 the terms of a ((notice of traffic infraction,)) criminal
18 complaint((,)) or criminal citation ((for a moving violation,)); or
19 (b) when the department receives notice from another state under
20 Article IV of the nonresident violator compact under RCW 46.23.010 or
21 from a jurisdiction that has entered into an agreement with the

1 department under RCW 46.23.020, other than for a standing, stopping,
2 or parking violation, provided that the traffic infraction or traffic
3 offense is committed on or after July 1, 2005.

4 (2) A suspension under this section takes effect pursuant to the
5 provisions of RCW 46.20.245, and remains in effect until the
6 department has received a certificate from the court showing that the
7 case has been adjudicated, and until the person meets the
8 requirements of RCW 46.20.311. (~~In the case of failure to respond to~~
9 ~~a traffic infraction issued under RCW 46.55.105, the department shall~~
10 ~~suspend all driving privileges until the person provides evidence~~
11 ~~from the court that all penalties and restitution have been paid.))~~

12 (3) A suspension under this section does not take effect if,
13 prior to the effective date of the suspension, the department
14 receives a certificate from the court showing that the case has been
15 adjudicated.

16 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
17 read as follows:

18 The department is authorized to suspend the license of a driver
19 upon a showing by its records or other sufficient evidence that the
20 licensee:

21 (1) Has committed an offense for which mandatory revocation or
22 suspension of license is provided by law;

23 (2) Has, by reckless or unlawful operation of a motor vehicle,
24 caused or contributed to an accident resulting in death or injury to
25 any person or serious property damage;

26 (3) Has been convicted of offenses against traffic regulations
27 governing the movement of vehicles, or found to have committed
28 traffic infractions, with such frequency as to indicate a disrespect
29 for traffic laws or a disregard for the safety of other persons on
30 the highways;

31 (4) Is incompetent to drive a motor vehicle under RCW
32 46.20.031(3);

33 (5) Has (~~failed to respond to a notice of traffic infraction,~~
34 ~~failed to appear at a requested hearing, violated a written promise~~
35 ~~to appear in court, or has~~) failed to comply with the terms of a
36 (~~notice of traffic infraction,~~) criminal complaint(~~(7)~~) or criminal
37 citation, as provided in RCW 46.20.289;

38 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

1 (7) Has committed one of the prohibited practices relating to
2 drivers' licenses defined in RCW 46.20.0921; or

3 (8) Has been certified by the department of social and health
4 services as a person who is not in compliance with a child support
5 order or a residential or visitation order as provided in RCW
6 74.20A.320.

7 **Sec. 3.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to
8 read as follows:

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

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

19 (2)(a) Superior courts or courts of limited jurisdiction in
20 counties or cities are authorized to participate or provide
21 relicensing ~~((diversion))~~ programs to persons who violate RCW
22 46.20.342(1) (c) ~~((iv))~~ or (d).

23 (b) Eligibility for the relicensing ~~((diversion))~~ program shall
24 be limited to violators with no more than four convictions or
25 infractions under RCW 46.20.342(1) (c) ~~((iv))~~ or (d) in the ten
26 years preceding the date of entering the relicensing ~~((diversion))~~
27 program, subject to a less restrictive rule imposed by the presiding
28 judge of the county district court or municipal court. People subject
29 to arrest under a warrant are not eligible for the ~~((diversion))~~
30 relicensing program.

31 (c) ~~((The diversion option))~~ Participation in a relicensing
32 program may be offered at the discretion of the prosecuting attorney
33 or municipal prosecuting authority before charges are filed, or by
34 the court after charges are filed or when a person is found to have
35 violated RCW 46.20.342(1)(d).

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

1 (e) A relicensing (~~(diversion)~~) program that is structured to
2 occur after charges are filed may charge participants a one-time fee
3 of up to one hundred dollars, which is not subject to chapters 3.50,
4 3.62, and 35.20 RCW, and shall be used to support administration of
5 the program. The fee of up to one hundred dollars shall be included
6 in the total to be paid by the participant in the relicensing
7 (~~(diversion)~~) program.

8 (3) A relicensing (~~(diversion)~~) program shall be designed to
9 assist suspended drivers to regain their license and insurance and
10 pay outstanding fines.

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

20 (b) The administrative office of the courts is directed, subject
21 to available funds, to compile and analyze the data required to be
22 submitted in this section and develop recommendations for a best
23 practices model for relicensing (~~(diversion)~~) programs.

24 **Sec. 4.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
25 read as follows:

26 (1) It is unlawful for any person to drive a motor vehicle in
27 this state while that person is in a suspended or revoked status or
28 when his or her privilege to drive is suspended or revoked in this or
29 any other state. Any person who has a valid Washington driver's
30 license is not guilty of a violation of this section.

31 (a) A person found to be a habitual offender under chapter 46.65
32 RCW, who violates this section while an order of revocation issued
33 under chapter 46.65 RCW prohibiting such operation is in effect, is
34 guilty of driving while license suspended or revoked in the first
35 degree, a gross misdemeanor. Upon the first such conviction, the
36 person shall be punished by imprisonment for not less than ten days.
37 Upon the second conviction, the person shall be punished by
38 imprisonment for not less than ninety days. Upon the third or
39 subsequent conviction, the person shall be punished by imprisonment

1 for not less than one hundred eighty days. If the person is also
2 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
3 both convictions arise from the same event, the minimum sentence of
4 confinement shall be not less than ninety days. The minimum sentence
5 of confinement required shall not be suspended or deferred. A
6 conviction under this subsection does not prevent a person from
7 petitioning for reinstatement as provided by RCW 46.65.080.

8 (b) A person who violates this section while an order of
9 suspension or revocation prohibiting such operation is in effect and
10 while the person is not eligible to reinstate his or her driver's
11 license or driving privilege, other than for a suspension for the
12 reasons described in (c) or (d) of this subsection, is guilty of
13 driving while license suspended or revoked in the second degree, a
14 gross misdemeanor. For the purposes of this subsection, a person is
15 not considered to be eligible to reinstate his or her driver's
16 license or driving privilege if the person is eligible to obtain an
17 ignition interlock driver's license but did not obtain such a
18 license. This subsection applies when a person's driver's license or
19 driving privilege has been suspended or revoked by reason of:

20 (i) A conviction of a felony in the commission of which a motor
21 vehicle was used;

22 (ii) A previous conviction under this section;

23 (iii) A notice received by the department from a court or
24 diversion unit as provided by RCW 46.20.265, relating to a minor who
25 has committed, or who has entered a diversion unit concerning an
26 offense relating to alcohol, legend drugs, controlled substances, or
27 imitation controlled substances;

28 (iv) A conviction of RCW 46.20.410, relating to the violation of
29 restrictions of an occupational driver's license, a temporary
30 restricted driver's license, or an ignition interlock driver's
31 license;

32 (v) A conviction of RCW 46.20.345, relating to the operation of a
33 motor vehicle with a suspended or revoked license;

34 (vi) A conviction of RCW 46.52.020, relating to duty in case of
35 injury to or death of a person or damage to an attended vehicle;

36 (vii) A conviction of RCW 46.61.024, relating to attempting to
37 elude pursuing police vehicles;

38 (viii) A conviction of RCW 46.61.212(4), relating to reckless
39 endangerment of emergency zone workers;

40 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

1 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
2 person under the influence of intoxicating liquor or drugs;
3 (xi) A conviction of RCW 46.61.520, relating to vehicular
4 homicide;
5 (xii) A conviction of RCW 46.61.522, relating to vehicular
6 assault;
7 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
8 endangerment of roadway workers;
9 (xiv) A conviction of RCW 46.61.530, relating to racing of
10 vehicles on highways;
11 (xv) A conviction of RCW 46.61.685, relating to leaving children
12 in an unattended vehicle with motor running;
13 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
14 vehicle fuel;
15 (xvii) A conviction of RCW 46.64.048, relating to attempting,
16 aiding, abetting, coercing, and committing crimes;
17 (xviii) An administrative action taken by the department under
18 chapter 46.20 RCW;
19 (xix) A conviction of a local law, ordinance, regulation, or
20 resolution of a political subdivision of this state, the federal
21 government, or any other state, of an offense substantially similar
22 to a violation included in this subsection; or
23 (xx) A finding that a person has committed a traffic infraction
24 under RCW 46.61.526 and suspension of driving privileges pursuant to
25 RCW 46.61.526 (4) (b) or (7) (a) (ii).
26 (c) A person who violates this section when his or her driver's
27 license or driving privilege is, at the time of the violation,
28 suspended or revoked solely because (i) the person must furnish proof
29 of satisfactory progress in a required alcoholism or drug treatment
30 program, (ii) the person must furnish proof of financial
31 responsibility for the future as provided by chapter 46.29 RCW, (iii)
32 the person has failed to comply with the provisions of chapter 46.29
33 RCW relating to uninsured accidents, (iv) the person has failed to
34 (~~respond to a notice of traffic infraction, failed to appear at a~~
35 ~~requested hearing, violated a written promise to appear in court, or~~
36 ~~has failed to~~) comply with the terms of a notice of (~~traffic~~
37 ~~infraction~~) a criminal complaint or criminal citation, as provided
38 in RCW 46.20.289(1)(a), (v) (~~the person has committed an offense in~~
39 ~~another state that, if committed in this state, would not be grounds~~
40 ~~for the suspension or revocation of the person's driver's license,~~

1 ~~(vi) the person has been suspended or revoked by reason of one or~~
2 ~~more of the items listed in (b) of this subsection, but was eligible~~
3 ~~to reinstate his or her driver's license or driving privilege at the~~
4 ~~time of the violation, (vii) the person has received traffic~~
5 ~~citations or notices of traffic infraction that have resulted in a~~
6 ~~suspension under RCW 46.20.267 relating to intermediate drivers'~~
7 ~~licenses, or (viii)) the person has been certified by the department~~
8 ~~of social and health services as a person who is not in compliance~~
9 ~~with a child support order as provided in RCW 74.20A.320, or (vi) the~~
10 person drives a motor vehicle while his or her driver's license is
11 suspended or revoked for any of the reasons listed in (d) of this
12 subsection and the person has three or more prior violations for
13 driving while license suspended or revoked in the fourth degree
14 within the past four years, or any combination of (c)(i) through
15 ((viii)) (vi) of this subsection, is guilty of driving while
16 license suspended or revoked in the third degree, a misdemeanor.
17 ~~((For the purposes of this subsection, a person is not considered to~~
18 ~~be eligible to reinstate his or her driver's license or driving~~
19 ~~privilege if the person is eligible to obtain an ignition interlock~~
20 ~~driver's license but did not obtain such a license.))~~

21 (d) A person who violates this section when his or her driver's
22 license or driving privilege is, at the time of the violation,
23 suspended or revoked solely because (i) the department receives
24 notice from another state under Article IV of the nonresident
25 violin compact under RCW 46.23.010 or from a jurisdiction that has
26 entered into an agreement with the department under RCW 46.23.020,
27 other than for a standing, stopping, or parking violation as provided
28 in RCW 46.20.289(1)(b); (ii) the person has committed an offense in
29 another state that, if committed in this state, would not be grounds
30 for the suspension or revocation of the person's driver's license;
31 (iii) the person has been suspended or revoked by reason of one or
32 more of the items listed in (b) or (c) of this subsection or for
33 failure to respond to a notice of traffic infraction, failure to
34 appear at a requested hearing for a noncriminal moving violation, or
35 violation of a written promise to appear in court for a notice of
36 infraction, but was eligible to reinstate his or her driver's license
37 or driving privilege at the time of the violation; or (iv) the person
38 has received traffic citations or notices of traffic infraction that
39 have resulted in a suspension under RCW 46.20.267 relating to
40 intermediate drivers' licenses, or any combination of (d)(i) through

1 (iv) of this subsection, has committed driving while license
2 suspended or revoked in the fourth degree, a traffic infraction
3 subject to a penalty of two hundred fifty dollars. If the person
4 appears in person before the court or submits by mail written proof
5 that he or she has reinstated his or her license after being cited,
6 the court shall reduce the penalty to fifty dollars. For the purposes
7 of this subsection, a person is not considered to be eligible to
8 reinstate his or her driver's license or driving privilege if the
9 person is eligible to obtain an ignition interlock driver's license
10 but did not obtain such a license.

11 (2) Upon receiving a record of conviction or infraction of any
12 person or upon receiving an order by any juvenile court or any duly
13 authorized court officer of the conviction or infraction of any
14 juvenile under this section, the department shall:

15 (a) For a conviction of driving while suspended or revoked in the
16 first degree, as provided by subsection (1)(a) of this section,
17 extend the period of administrative revocation imposed under chapter
18 46.65 RCW for an additional period of one year from and after the
19 date the person would otherwise have been entitled to apply for a new
20 license or have his or her driving privilege restored; or

21 (b) For a conviction of driving while suspended or revoked in the
22 second degree, as provided by subsection (1)(b) of this section, not
23 issue a new license or restore the driving privilege for an
24 additional period of one year from and after the date the person
25 would otherwise have been entitled to apply for a new license or have
26 his or her driving privilege restored; or

27 (c) Not extend the period of suspension or revocation (~~if the~~
28 ~~conviction was~~) for a conviction under subsection (1)(c) of this
29 section or an infraction under subsection (1)(d) of this section.
30 (~~If the~~) For a conviction (~~was~~) under subsection (1)(a) or (b) of
31 this section (~~and~~), if the court recommends against the extension
32 and the convicted person has obtained a valid driver's license, the
33 period of suspension or revocation shall not be extended.

34 **Sec. 5.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are
35 each reenacted and amended to read as follows:

36 A police officer having probable cause to believe that a person
37 has committed or is committing a felony shall have the authority to
38 arrest the person without a warrant. A police officer may arrest a
39 person without a warrant for committing a misdemeanor or gross

1 misdemeanor only when the offense is committed in the presence of an
2 officer, except as provided in subsections (1) through (11) of this
3 section.

4 (1) Any police officer having probable cause to believe that a
5 person has committed or is committing a misdemeanor or gross
6 misdemeanor, involving physical harm or threats of harm to any person
7 or property or the unlawful taking of property or involving the use
8 or possession of cannabis, or involving the acquisition, possession,
9 or consumption of alcohol by a person under the age of twenty-one
10 years under RCW 66.44.270, or involving criminal trespass under RCW
11 9A.52.070 or 9A.52.080, shall have the authority to arrest the
12 person.

13 (2) A police officer shall arrest and take into custody, pending
14 release on bail, personal recognizance, or court order, a person
15 without a warrant when the officer has probable cause to believe
16 that:

17 (a) An order has been issued of which the person has knowledge
18 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,
19 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the
20 person has violated the terms of the order restraining the person
21 from acts or threats of violence, or restraining the person from
22 going onto the grounds of or entering a residence, workplace, school,
23 or day care, or prohibiting the person from knowingly coming within,
24 or knowingly remaining within, a specified distance of a location or,
25 in the case of an order issued under RCW 26.44.063, imposing any
26 other restrictions or conditions upon the person; or

27 (b) A foreign protection order, as defined in RCW 26.52.010, has
28 been issued of which the person under restraint has knowledge and the
29 person under restraint has violated a provision of the foreign
30 protection order prohibiting the person under restraint from
31 contacting or communicating with another person, or excluding the
32 person under restraint from a residence, workplace, school, or day
33 care, or prohibiting the person from knowingly coming within, or
34 knowingly remaining within, a specified distance of a location, or a
35 violation of any provision for which the foreign protection order
36 specifically indicates that a violation will be a crime; or

37 (c) The person is eighteen years or older and within the
38 preceding four hours has assaulted a family or household member as
39 defined in RCW 10.99.020 and the officer believes: (i) A felonious
40 assault has occurred; (ii) an assault has occurred which has resulted

1 in bodily injury to the victim, whether the injury is observable by
2 the responding officer or not; or (iii) that any physical action has
3 occurred which was intended to cause another person reasonably to
4 fear imminent serious bodily injury or death. Bodily injury means
5 physical pain, illness, or an impairment of physical condition. When
6 the officer has probable cause to believe that family or household
7 members have assaulted each other, the officer is not required to
8 arrest both persons. The officer shall arrest the person whom the
9 officer believes to be the primary physical aggressor. In making this
10 determination, the officer shall make every reasonable effort to
11 consider: (A) The intent to protect victims of domestic violence
12 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
13 or serious threats creating fear of physical injury; and (C) the
14 history of domestic violence of each person involved, including
15 whether the conduct was part of an ongoing pattern of abuse.

16 (3) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of any of the
18 following traffic laws shall have the authority to arrest the person:

19 (a) RCW 46.52.010, relating to duty on striking an unattended car
20 or other property;

21 (b) RCW 46.52.020, relating to duty in case of injury to or death
22 of a person or damage to an attended vehicle;

23 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
24 racing of vehicles;

25 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
26 influence of intoxicating liquor or drugs;

27 (e) RCW 46.61.503 or 46.25.110, relating to persons having
28 alcohol or THC in their system;

29 (f) RCW 46.20.342(1) (a), (b), or (c), relating to driving a
30 motor vehicle while operator's license is suspended or revoked;

31 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
32 negligent manner.

33 (4) A law enforcement officer investigating at the scene of a
34 motor vehicle accident may arrest the driver of a motor vehicle
35 involved in the accident if the officer has probable cause to believe
36 that the driver has committed in connection with the accident a
37 violation of any traffic law or regulation.

38 (5) (a) A law enforcement officer investigating at the scene of a
39 motor vessel accident may arrest the operator of a motor vessel
40 involved in the accident if the officer has probable cause to believe

1 that the operator has committed, in connection with the accident, a
2 criminal violation of chapter 79A.60 RCW.

3 (b) A law enforcement officer investigating at the scene of a
4 motor vessel accident may issue a citation for an infraction to the
5 operator of a motor vessel involved in the accident if the officer
6 has probable cause to believe that the operator has committed, in
7 connection with the accident, a violation of any boating safety law
8 of chapter 79A.60 RCW.

9 (6) Any police officer having probable cause to believe that a
10 person has committed or is committing a violation of RCW 79A.60.040
11 shall have the authority to arrest the person.

12 (7) An officer may act upon the request of a law enforcement
13 officer in whose presence a traffic infraction was committed, to
14 stop, detain, arrest, or issue a notice of traffic infraction to the
15 driver who is believed to have committed the infraction. The request
16 by the witnessing officer shall give an officer the authority to take
17 appropriate action under the laws of the state of Washington.

18 (8) Any police officer having probable cause to believe that a
19 person has committed or is committing any act of indecent exposure,
20 as defined in RCW 9A.88.010, may arrest the person.

21 (9) A police officer may arrest and take into custody, pending
22 release on bail, personal recognizance, or court order, a person
23 without a warrant when the officer has probable cause to believe that
24 an order has been issued of which the person has knowledge under
25 chapter 10.14 RCW and the person has violated the terms of that
26 order.

27 (10) Any police officer having probable cause to believe that a
28 person has, within twenty-four hours of the alleged violation,
29 committed a violation of RCW 9A.50.020 may arrest such person.

30 (11) A police officer having probable cause to believe that a
31 person illegally possesses or illegally has possessed a firearm or
32 other dangerous weapon on private or public elementary or secondary
33 school premises shall have the authority to arrest the person.

34 For purposes of this subsection, the term "firearm" has the
35 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
36 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

37 (12) A law enforcement officer having probable cause to believe
38 that a person has committed a violation under RCW 77.15.160(~~(+4)~~)
39 (5) may issue a citation for an infraction to the person in
40 connection with the violation.

1 (13) A law enforcement officer having probable cause to believe
2 that a person has committed a criminal violation under RCW 77.15.809
3 or 77.15.811 may arrest the person in connection with the violation.

4 (14) Except as specifically provided in subsections (2), (3),
5 (4), and (7) of this section, nothing in this section extends or
6 otherwise affects the powers of arrest prescribed in Title 46 RCW.

7 (15) No police officer may be held criminally or civilly liable
8 for making an arrest pursuant to subsection (2) or (9) of this
9 section if the police officer acts in good faith and without malice.

10 (16)(a) Except as provided in (b) of this subsection, a police
11 officer shall arrest and keep in custody, until release by a judicial
12 officer on bail, personal recognizance, or court order, a person
13 without a warrant when the officer has probable cause to believe that
14 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
15 local ordinance and the police officer: (i) Has knowledge that the
16 person has a prior offense as defined in RCW 46.61.5055 within ten
17 years; or (ii) has knowledge, based on a review of the information
18 available to the officer at the time of arrest, that the person is
19 charged with or is awaiting arraignment for an offense that would
20 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
21 conviction.

22 (b) A police officer is not required to keep in custody a person
23 under (a) of this subsection if the person requires immediate medical
24 attention and is admitted to a hospital.

25 **Sec. 6.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to read
26 as follows:

27 ~~((1))~~ No person shall be held to answer in any court for an
28 alleged crime or offense, unless upon an information filed by the
29 prosecuting attorney, or upon an indictment by a grand jury, except
30 in cases of misdemeanor or gross misdemeanor before a district or
31 municipal judge, or before a court martial ~~(, except as provided in
32 subsection (2) of this section.~~

33 ~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the
34 prosecuting attorney to be referred to his or her office for
35 consideration of filing an information or for entry into a precharge
36 diversion program).~~

37 **Sec. 7.** RCW 46.20.005 and 1997 c 66 s 1 are each amended to read
38 as follows:

1 Except as expressly exempted by this chapter, it is a misdemeanor
2 for a person to drive any motor vehicle upon a highway in this state
3 without a valid driver's license issued to Washington residents under
4 this chapter. This section does not apply if at the time of the stop
5 the person is not in violation of RCW 46.20.342(1) or (~~46.20.420~~)
6 46.20.345 and has in his or her possession an expired driver's
7 license or other valid identifying documentation under RCW 46.20.035.
8 A violation of this section is a lesser included offense within the
9 offenses described in RCW 46.20.342(1) (~~or 46.20.420~~) (a), (b), and
10 (c) and 46.20.345.

11 **Sec. 8.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to read
12 as follows:

13 (1) Any person licensed under this chapter who is convicted of an
14 offense relating to motor vehicles for which suspension or revocation
15 of the driver's license is mandatory, other than vehicular homicide,
16 vehicular assault, driving while under the influence of intoxicating
17 liquor or any drug, or being in actual physical control of a motor
18 vehicle while under the influence of intoxicating liquor or any drug,
19 may submit to the department an application for a temporary
20 restricted driver's license. The department, upon receipt of the
21 prescribed fee and upon determining that the petitioner is eligible
22 to receive the license, may issue a temporary restricted driver's
23 license and may set definite restrictions as provided in RCW
24 46.20.394.

25 (2)(a) A person licensed under this chapter whose driver's
26 license is suspended administratively due to failure to (~~appear or~~
27 ~~pay a traffic ticket~~) comply with the terms of a notice of a
28 criminal complaint or criminal citation under RCW 46.20.289; a
29 violation of the financial responsibility laws under chapter 46.29
30 RCW; or for multiple violations within a specified period of time
31 under RCW 46.20.291, may apply to the department for an occupational
32 driver's license.

33 (b) An occupational driver's license issued to an applicant
34 described in (a) of this subsection shall be valid for the period of
35 the suspension or revocation.

36 (3) An applicant for an occupational or temporary restricted
37 driver's license who qualifies under subsection (1) or (2) of this
38 section is eligible to receive such license only if:

1 (a) Within seven years immediately preceding the date of the
2 offense that gave rise to the present conviction or incident, the
3 applicant has not committed vehicular homicide under RCW 46.61.520 or
4 vehicular assault under RCW 46.61.522; and

5 (b) The applicant demonstrates that it is necessary for him or
6 her to operate a motor vehicle because he or she:

7 (i) Is engaged in an occupation or trade that makes it essential
8 that he or she operate a motor vehicle;

9 (ii) Is undergoing continuing health care or providing continuing
10 care to another who is dependent upon the applicant;

11 (iii) Is enrolled in an educational institution and pursuing a
12 course of study leading to a diploma, degree, or other certification
13 of successful educational completion;

14 (iv) Is undergoing substance abuse treatment or is participating
15 in meetings of a twelve-step group such as Alcoholics Anonymous that
16 requires the petitioner to drive to or from the treatment or
17 meetings;

18 (v) Is fulfilling court-ordered community service
19 responsibilities;

20 (vi) Is in a program that assists persons who are enrolled in a
21 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
22 employed and the program requires a driver's license;

23 (vii) Is in an apprenticeship, on-the-job training, or welfare-
24 to-work program; or

25 (viii) Presents evidence that he or she has applied for a
26 position in an apprenticeship or on-the-job training program for
27 which a driver's license is required to begin the program, provided
28 that a license granted under this provision shall be in effect for no
29 longer than fourteen days; and

30 (c) The applicant files satisfactory proof of financial
31 responsibility under chapter 46.29 RCW; and

32 (d) Upon receipt of evidence that a holder of an occupational
33 driver's license granted under this subsection is no longer enrolled
34 in an apprenticeship or on-the-job training program, the director
35 shall give written notice by first-class mail to the driver that the
36 occupational driver's license shall be canceled. If at any time
37 before the cancellation goes into effect the driver submits evidence
38 of continued enrollment in the program, the cancellation shall be
39 stayed. If the cancellation becomes effective, the driver may obtain,
40 at no additional charge, a new occupational driver's license upon

1 submittal of evidence of enrollment in another program that meets the
2 criteria set forth in this subsection; and

3 (e) The department shall not issue an occupational driver's
4 license under (b)(iv) of this subsection if the applicant is able to
5 receive transit services sufficient to allow for the applicant's
6 participation in the programs referenced under (b)(iv) of this
7 subsection.

8 (4) A person aggrieved by the decision of the department on the
9 application for an occupational or temporary restricted driver's
10 license may request a hearing as provided by rule of the department.

11 (5) The director shall cancel an occupational or temporary
12 restricted driver's license after receiving notice that the holder
13 thereof has been convicted of operating a motor vehicle in violation
14 of its restrictions, no longer meets the eligibility requirements, or
15 has been convicted of or found to have committed a separate offense
16 or any other act or omission that under this chapter would warrant
17 suspension or revocation of a regular driver's license. The
18 department must give notice of the cancellation as provided under RCW
19 46.20.245. A person whose occupational or temporary restricted
20 driver's license has been canceled under this section may reapply for
21 a new occupational or temporary restricted driver's license if he or
22 she is otherwise qualified under this section and pays the fee
23 required under RCW 46.20.380.

24 **Sec. 9.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to
25 read as follows:

26 (1) Whenever the driver of a vehicle is arrested for a violation
27 of RCW 46.20.342(1) (a), (b), or (c) or 46.20.345, the vehicle is
28 subject to summary impoundment, pursuant to the terms and conditions
29 of an applicable local ordinance or state agency rule at the
30 direction of a law enforcement officer.

31 (2) In addition, a police officer may take custody of a vehicle,
32 at his or her discretion, and provide for its prompt removal to a
33 place of safety under any of the following circumstances:

34 (a) Whenever a police officer finds a vehicle standing upon the
35 roadway in violation of any of the provisions of RCW 46.61.560, the
36 officer may provide for the removal of the vehicle or require the
37 driver or other person in charge of the vehicle to move the vehicle
38 to a position off the roadway;

1 (b) Whenever a police officer finds a vehicle unattended upon a
2 highway where the vehicle constitutes an obstruction to traffic or
3 jeopardizes public safety;

4 (c) Whenever a police officer finds an unattended vehicle at the
5 scene of an accident or when the driver of a vehicle involved in an
6 accident is physically or mentally incapable of deciding upon steps
7 to be taken to protect his or her property;

8 (d) Whenever the driver of a vehicle is arrested and taken into
9 custody by a police officer;

10 (e) Whenever a police officer discovers a vehicle that the
11 officer determines to be a stolen vehicle;

12 (f) Whenever a vehicle without a special license plate, placard,
13 or decal indicating that the vehicle is being used to transport a
14 person with disabilities under RCW 46.19.010 is parked in a stall or
15 space clearly and conspicuously marked under RCW 46.61.581 which
16 space is provided on private property without charge or on public
17 property;

18 (g) Upon determining that a person is operating a motor vehicle
19 without a valid and, if required, a specially endorsed driver's
20 license or with a license that has been expired for ninety days or
21 more;

22 (h) When a vehicle is illegally occupying a truck, commercial
23 loading zone, restricted parking zone, bus, loading, hooded-meter,
24 taxi, street construction or maintenance, or other similar zone
25 where, by order of the director of transportation or chiefs of police
26 or fire or their designees, parking is limited to designated classes
27 of vehicles or is prohibited during certain hours, on designated days
28 or at all times, if the zone has been established with signage for at
29 least twenty-four hours and where the vehicle is interfering with the
30 proper and intended use of the zone. Signage must give notice to the
31 public that a vehicle will be removed if illegally parked in the
32 zone;

33 (i) When a vehicle with an expired registration of more than
34 forty-five days is parked on a public street.

35 (3) When an arrest is made for a violation of RCW 46.20.342(1)
36 (a), (b), or (c), if the vehicle is a commercial vehicle or farm
37 transport vehicle and the driver of the vehicle is not the owner of
38 the vehicle, before the summary impoundment directed under subsection
39 (1) of this section, the police officer shall attempt in a reasonable
40 and timely manner to contact the owner of the vehicle and may release

1 the vehicle to the owner if the owner is reasonably available, as
2 long as the owner was not in the vehicle at the time of the stop and
3 arrest and the owner has not received a prior release under this
4 subsection or RCW 46.55.120(1) (~~(a)~~) (b)(ii).

5 (4) Nothing in this section may derogate from the powers of
6 police officers under the common law. For the purposes of this
7 section, a place of safety may include the business location of a
8 registered tow truck operator.

9 (5) For purposes of this section "farm transport vehicle" means a
10 motor vehicle owned by a farmer and that is being actively used in
11 the transportation of the farmer's or another farmer's farm, orchard,
12 aquatic farm, or dairy products, including livestock and plant or
13 animal wastes, from point of production to market or disposal, or
14 supplies or commodities to be used on the farm, orchard, aquatic
15 farm, or dairy, and that has a gross vehicle weight rating of 7,258
16 kilograms (16,001 pounds) or more.

17 **Sec. 10.** RCW 46.63.020 and 2018 c 18 s 4 are each amended to
18 read as follows:

19 Failure to perform any act required or the performance of any act
20 prohibited by this title or an equivalent administrative regulation
21 or local law, ordinance, regulation, or resolution relating to
22 traffic including parking, standing, stopping, and pedestrian
23 offenses, is designated as a traffic infraction and may not be
24 classified as a criminal offense, except for an offense contained in
25 the following provisions of this title or a violation of an
26 equivalent administrative regulation or local law, ordinance,
27 regulation, or resolution:

28 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
29 regarding the inspection of and installation of equipment on wheeled
30 all-terrain vehicles;

31 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
32 vehicle while under the influence of intoxicating liquor or a
33 controlled substance;

34 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

35 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
36 while under the influence of intoxicating liquor or narcotics or
37 habit-forming drugs or in a manner endangering the person of another;

38 (5) RCW 46.10.495 relating to the operation of snowmobiles;

- 1 (6) Chapter 46.12 RCW relating to certificates of title,
2 registration certificates, and markings indicating that a vehicle has
3 been destroyed or declared a total loss;
- 4 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
5 of taxes and fees by failure to register a vehicle and falsifying
6 residency when registering a motor vehicle;
- 7 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
8 drive;
- 9 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 10 (10) RCW 46.19.050(1) relating to knowingly providing false
11 information in conjunction with an application for a special placard
12 or license plate for disabled persons' parking;
- 13 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
14 placard, special license plate, special year tab, or identification
15 card;
- 16 (12) RCW 46.19.050(9) relating to sale of a parking placard,
17 special license plate, special year tab, or identification card;
- 18 (13) RCW 46.20.005 relating to driving without a valid driver's
19 license;
- 20 (14) RCW 46.20.091 relating to false statements regarding a
21 driver's license or instruction permit;
- 22 (15) RCW 46.20.0921 relating to the unlawful possession and use
23 of a driver's license;
- 24 (16) RCW 46.20.342(1) (a), (b), and (c) relating to driving with
25 a suspended or revoked license or status;
- 26 (17) RCW 46.20.345 relating to the operation of a motor vehicle
27 with a suspended or revoked license;
- 28 (18) RCW 46.20.410 relating to the violation of restrictions of
29 an occupational driver's license, temporary restricted driver's
30 license, or ignition interlock driver's license;
- 31 (19) RCW 46.20.740 relating to operation of a motor vehicle
32 without an ignition interlock device in violation of a license
33 notation that the device is required;
- 34 (20) RCW 46.20.750 relating to circumventing an ignition
35 interlock device;
- 36 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (22) Chapter 46.29 RCW relating to financial responsibility;
- 38 (23) RCW 46.30.040 relating to providing false evidence of
39 financial responsibility;
- 40 (24) RCW 46.35.030 relating to recording device information;

1 (25) RCW 46.37.435 relating to wrongful installation of
2 sunscreening material;

3 (26) RCW 46.37.650 relating to the manufacture, importation,
4 sale, distribution, or installation of a counterfeit air bag,
5 nonfunctional air bag, or previously deployed or damaged air bag;

6 (27) RCW 46.37.660 relating to the sale or installation of a
7 device that causes a vehicle's diagnostic system to inaccurately
8 indicate that the vehicle has a functional air bag when a counterfeit
9 air bag, nonfunctional air bag, or no air bag is installed;

10 (28) RCW 46.37.671 through 46.37.675 relating to signal
11 preemption devices;

12 (29) RCW 46.37.685 relating to switching or flipping license
13 plates, utilizing technology to flip or change the appearance of a
14 license plate, selling a license plate flipping device or technology
15 used to change the appearance of a license plate, or falsifying a
16 vehicle registration;

17 (30) RCW 46.44.180 relating to operation of mobile home pilot
18 vehicles;

19 (31) RCW 46.48.175 relating to the transportation of dangerous
20 articles;

21 (32) RCW 46.52.010 relating to duty on striking an unattended car
22 or other property;

23 (33) RCW 46.52.020 relating to duty in case of injury to or death
24 of a person or damage to an attended vehicle;

25 (34) RCW 46.52.090 relating to reports by repairers, storage
26 persons, and appraisers;

27 (35) RCW 46.52.130 relating to confidentiality of the driving
28 record to be furnished to an insurance company, an employer, and an
29 alcohol/drug assessment or treatment agency;

30 (36) RCW 46.55.020 relating to engaging in the activities of a
31 registered tow truck operator without a registration certificate;

32 (37) RCW 46.55.035 relating to prohibited practices by tow truck
33 operators;

34 (38) RCW 46.55.300 relating to vehicle immobilization;

35 (39) RCW 46.61.015 relating to obedience to police officers,
36 flaggers, or firefighters;

37 (40) RCW 46.61.020 relating to refusal to give information to or
38 cooperate with an officer;

39 (41) RCW 46.61.022 relating to failure to stop and give
40 identification to an officer;

- 1 (42) RCW 46.61.024 relating to attempting to elude pursuing
2 police vehicles;
- 3 (43) RCW 46.61.212(4) relating to reckless endangerment of
4 emergency or work zone workers;
- 5 (44) RCW 46.61.500 relating to reckless driving;
- 6 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
7 influence of intoxicating liquor or drugs;
- 8 (46) RCW 46.61.503 relating to a person under age twenty-one
9 driving a motor vehicle after consuming alcohol;
- 10 (47) RCW 46.61.520 relating to vehicular homicide by motor
11 vehicle;
- 12 (48) RCW 46.61.522 relating to vehicular assault;
- 13 (49) RCW 46.61.5249 relating to first degree negligent driving;
- 14 (50) RCW 46.61.527(4) relating to reckless endangerment of
15 roadway workers;
- 16 (51) RCW 46.61.530 relating to racing of vehicles on highways;
- 17 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
18 load;
- 19 (53) RCW 46.61.685 relating to leaving children in an unattended
20 vehicle with the motor running;
- 21 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 22 (55) RCW 46.64.010 relating to unlawful cancellation of or
23 attempt to cancel a traffic citation;
- 24 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
25 coercing, and committing crimes;
- 26 (57) Chapter 46.65 RCW relating to habitual traffic offenders;
- 27 (58) RCW 46.68.010 relating to false statements made to obtain a
28 refund;
- 29 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
30 practices, except where that chapter provides for the assessment of
31 monetary penalties of a civil nature;
- 32 (60) Chapter 46.72 RCW relating to the transportation of
33 passengers in for hire vehicles;
- 34 (61) RCW 46.72A.060 relating to limousine carrier insurance;
- 35 (62) RCW 46.72A.070 relating to operation of a limousine without
36 a vehicle certificate;
- 37 (63) RCW 46.72A.080 relating to false advertising by a limousine
38 carrier;
- 39 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 40 (65) Chapter 46.82 RCW relating to driver's training schools;

1 (66) RCW 46.87.260 relating to alteration or forgery of a cab
2 card, letter of authority, or other temporary authority issued under
3 chapter 46.87 RCW;

4 (67) RCW 46.87.290 relating to operation of an unregistered or
5 unlicensed vehicle under chapter 46.87 RCW.

6 **Sec. 11.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
7 read as follows:

8 (1) A person found to have committed a traffic infraction shall
9 be assessed a monetary penalty. No penalty may exceed two hundred and
10 fifty dollars for each offense unless authorized by this chapter or
11 title.

12 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
13 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
14 is five hundred dollars for each offense. No penalty assessed under
15 this subsection (2) may be reduced.

16 (3) The supreme court shall prescribe by rule a schedule of
17 monetary penalties for designated traffic infractions. This rule
18 shall also specify the conditions under which local courts may
19 exercise discretion in assessing fines and penalties for traffic
20 infractions. The legislature respectfully requests the supreme court
21 to adjust this schedule every two years for inflation.

22 (4) There shall be a penalty of twenty-five dollars for failure
23 to respond to a notice of traffic infraction except where the
24 infraction relates to parking as defined by local law, ordinance,
25 regulation, or resolution or failure to pay a monetary penalty
26 imposed pursuant to this chapter. A local legislative body may set a
27 monetary penalty not to exceed twenty-five dollars for failure to
28 respond to a notice of traffic infraction relating to parking as
29 defined by local law, ordinance, regulation, or resolution. The local
30 court, whether a municipal, police, or district court, shall impose
31 the monetary penalty set by the local legislative body.

32 (5) Monetary penalties provided for in chapter 46.70 RCW which
33 are civil in nature and penalties which may be assessed for
34 violations of chapter 46.44 RCW relating to size, weight, and load of
35 motor vehicles are not subject to the limitation on the amount of
36 monetary penalties which may be imposed pursuant to this chapter.

37 (6) Whenever a monetary penalty, fee, cost, assessment, or other
38 monetary obligation is imposed by a court under this chapter, it is
39 immediately payable and is enforceable as a civil judgment under

1 Title 6 RCW. If the court determines, in its discretion, that a
2 person is not able to pay a monetary obligation in full, and not more
3 than one year has passed since the later of July 1, 2005, or the date
4 the monetary obligation initially became due and payable, the court
5 shall enter into a payment plan with the person, unless the person
6 has previously been granted a payment plan with respect to the same
7 monetary obligation, or unless the person is in noncompliance of any
8 existing or prior payment plan, in which case the court may, at its
9 discretion, implement a payment plan. If the court has notified the
10 department that the person has failed to pay or comply and the person
11 has subsequently entered into a payment plan and made an initial
12 payment, the court shall notify the department that the infraction
13 has been adjudicated, and the department shall rescind any suspension
14 of the person's driver's license or driver's privilege based on
15 failure to respond to that infraction. "Payment plan," as used in
16 this section, means a plan that requires reasonable payments based on
17 the financial ability of the person to pay. The person may
18 voluntarily pay an amount at any time in addition to the payments
19 required under the payment plan.

20 (a) If a payment required to be made under the payment plan is
21 delinquent or the person fails to complete a community restitution
22 program on or before the time established under the payment plan,
23 unless the court determines good cause therefor and adjusts the
24 payment plan or the community restitution plan accordingly, the court
25 may refer the unpaid monetary penalty, fee, cost, assessment, or
26 other monetary obligation for civil enforcement until all monetary
27 obligations, including those imposed under subsections (3) and (4) of
28 this section, have been paid, and court authorized community
29 restitution has been completed, or until the court has entered into a
30 new time payment or community restitution agreement with the person.
31 (~~For those infractions subject to suspension under RCW 46.20.289,~~
32 ~~the court shall notify the department of the person's failure to meet~~
33 ~~the conditions of the plan, and the department shall suspend the~~
34 ~~person's driver's license or driving privileges.))~~

35 (b) If a person has not entered into a payment plan with the
36 court and has not paid the monetary obligation in full on or before
37 the time established for payment, the court may refer the unpaid
38 monetary penalty, fee, cost, assessment, or other monetary obligation
39 to a collections agency until all monetary obligations have been
40 paid, including those imposed under subsections (3) and (4) of this

1 section, or until the person has entered into a payment plan under
2 this section. (~~For those infractions subject to suspension under RCW~~
3 ~~46.20.289, the court shall notify the department of the person's~~
4 ~~delinquency, and the department shall suspend the person's driver's~~
5 ~~license or driving privileges.~~)

6 (c) If the payment plan is to be administered by the court, the
7 court may assess the person a reasonable administrative fee to be
8 wholly retained by the city or county with jurisdiction. The
9 administrative fee shall not exceed ten dollars per infraction or
10 twenty-five dollars per payment plan, whichever is less.

11 (d) Nothing in this section precludes a court from contracting
12 with outside entities to administer its payment plan system. When
13 outside entities are used for the administration of a payment plan,
14 the court may assess the person a reasonable fee for such
15 administrative services, which fee may be calculated on a periodic,
16 percentage, or other basis.

17 (e) If a court authorized community restitution program for
18 offenders is available in the jurisdiction, the court may allow
19 conversion of all or part of the monetary obligations due under this
20 section to court authorized community restitution in lieu of time
21 payments if the person is unable to make reasonable time payments.

22 (7) In addition to any other penalties imposed under this section
23 and not subject to the limitation of subsection (1) of this section,
24 a person found to have committed a traffic infraction shall be
25 assessed:

26 (a) A fee of five dollars per infraction. Under no circumstances
27 shall this fee be reduced or waived. Revenue from this fee shall be
28 forwarded to the state treasurer for deposit in the emergency medical
29 services and trauma care system trust account under RCW 70.168.040;

30 (b) A fee of ten dollars per infraction. Under no circumstances
31 shall this fee be reduced or waived. Revenue from this fee shall be
32 forwarded to the state treasurer for deposit in the Washington auto
33 theft prevention authority account; and

34 (c) A fee of two dollars per infraction. Revenue from this fee
35 shall be forwarded to the state treasurer for deposit in the
36 traumatic brain injury account established in RCW 74.31.060.

37 (8)(a) In addition to any other penalties imposed under this
38 section and not subject to the limitation of subsection (1) of this
39 section, a person found to have committed a traffic infraction other
40 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional

1 penalty of twenty dollars. The court may not reduce, waive, or
2 suspend the additional penalty unless the court finds the offender to
3 be indigent. If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court shall allow
5 offenders to offset all or a part of the penalty due under this
6 subsection (8) by participation in the court authorized community
7 restitution program.

8 (b) Eight dollars and fifty cents of the additional penalty under
9 (a) of this subsection shall be remitted to the state treasurer. The
10 remaining revenue from the additional penalty must be remitted under
11 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
12 under this subsection to the state treasurer must be deposited in the
13 state general fund. The balance of the revenue received by the county
14 or city treasurer under this subsection must be deposited into the
15 county or city current expense fund. Moneys retained by the city or
16 county under this subsection shall constitute reimbursement for any
17 liabilities under RCW 43.135.060.

18 (9) If a legal proceeding, such as garnishment, has commenced to
19 collect any delinquent amount owed by the person for any penalty
20 imposed by the court under this section, the court may, at its
21 discretion, enter into a payment plan.

22 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
23 hundred fifty dollars for the first violation; (b) five hundred
24 dollars for the second violation; and (c) seven hundred fifty dollars
25 for each violation thereafter.

26 **Sec. 12.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to
27 read as follows:

28 Whenever any person served with, or provided notice of, ((a
29 ~~traffic infraction or~~) a traffic-related criminal complaint
30 (~~willfully fails to appear at a requested hearing for a moving~~
31 ~~violation,~~) or criminal citation fails to comply with the terms of
32 (~~a notice of infraction for a moving violation or a traffic-~~
33 ~~related~~) the criminal complaint or criminal citation, the court with
34 jurisdiction over the ((~~traffic infraction or~~) traffic-related
35 criminal complaint or criminal citation shall promptly give notice of
36 such fact to the department of licensing. Whenever thereafter the
37 case in which the defendant failed to ((~~appear or~~) comply is
38 adjudicated, the court hearing the case shall promptly file with the
39 department a certificate showing that the case has been adjudicated.

1 (~~For the purposes of this section, "moving violation" is defined by~~
2 ~~rule pursuant to RCW 46.20.2891.~~)

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20
4 RCW to read as follows:

5 (1) The department is authorized to administratively reinstate
6 all licenses suspended pursuant to RCW 46.20.289, except (a) those
7 that are suspended pursuant to Article IV of the nonresident violator
8 compact under RCW 46.23.010 or from a jurisdiction that has entered
9 into an agreement with the department under RCW 46.23.020; and (b)
10 those licenses suspended because the person has failed to comply with
11 the terms of criminal complaint or criminal citation.

12 (2) No later than thirty days after the effective date of this
13 section, the department shall notify any person whose driver's
14 license was suspended pursuant to RCW 46.20.289 prior to September 1,
15 2019, that he or she may be eligible for reinstatement of his or her
16 license, specifying that the reinstatement is not available for (a)
17 licenses suspended pursuant to Article IV of the nonresident violator
18 compact under RCW 46.23.010 or from a jurisdiction that has entered
19 into an agreement with the department under RCW 46.23.020; and (b)
20 those licenses suspended because the person has failed to comply with
21 the terms of criminal complaint or criminal citation. The department
22 is also authorized to include any other pertinent information about
23 the reinstatement process in the notice.

24 (3) No later than thirty days after the effective date of this
25 section, the department shall create an online application process
26 available for people who had their licenses suspended pursuant to RCW
27 46.20.289 prior to the effective date of this section. This online
28 application process shall allow a person to determine whether they
29 are eligible to have their license reinstated and explain the process
30 for reinstatement. A reissue fee as provided in RCW 46.20.311 shall
31 apply.

32 NEW SECTION. **Sec. 14.** This act takes effect September 1, 2019.

--- END ---

SENATE BILL REPORT

SB 5328

As of February 28, 2019

Title: An act relating to driver's license suspensions and revocations.

Brief Description: Concerning driver's license suspensions and revocations.

Sponsors: Senators Salomon, Kuderer, Hunt, Hasegawa, Palumbo, Nguyen, Saldaña, Liias, Frockt and Keiser.

Brief History:

Committee Activity: Law & Justice: 1/31/19, 2/07/19 [DP-TRAN, w/oRec, DNP].

Transportation: 2/20/19, 2/21/19 [DPS-WM, DNP, w/oRec].

Ways & Means: 2/28/19.

Brief Summary of Substitute Bill

- Eliminates failure to respond or appear in connection with a traffic infraction as a reason for suspension of a person's driver's license.
- Creates driving while license suspended or revoked 4 (DWLS 4), a traffic infraction resulting from a nonresident suspension, suspension of an intermediate driver's license, or suspension when the person has resolved the underlying issue, but not yet reinstated their license.
- Elevates DWLS 4 to DWLS 3 on the fourth violation of DWLS 4.
- Requires the Department of Licensing (DOL) to create a workgroup to explore options for administratively reinstating licenses of persons who have been suspended for the failure to appear or respond to a moving violation infraction.
- Creates the Driver's Licensing Technology Support Account to facilitate better communication between DOL and the courts.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Transportation.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: That it be referred without recommendation.

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.

Signed by Senators Padden, Ranking Member; Wilson, L..

Minority Report: Do not pass.
Signed by Senator Holy.

Staff: Shani Bauer (786-7468)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5328 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Padden, Takko and Zeiger.

Minority Report: Do not pass.
Signed by Senators Das, Nguyen, Randall and Wilson, C..

Minority Report: That it be referred without recommendation.
Signed by Senators Fortunato, Lovelett and O'Ban.

Staff: Kim Johnson (786-7472)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Claire Goodwin (786-7736)

Background: 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. There are three degrees of the crime of driving while license suspended or revoked (DWLS), which are dependent on the reason the person's license was suspended or revoked.

DWLS 3 is a misdemeanor offense and generally involves driving after a license is suspended or revoked for secondary reasons where there is no set suspension period. More specifically, those reasons include the person:

- failed to furnish proof of satisfactory progress in a required alcoholism or drug treatment program;
- failed to furnish proof of financial responsibility for the future;
- failed to comply with the provisions relating to uninsured accidents;
- failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing, violated a written promise to appear in court, or failed to comply with the terms of a notice of traffic infraction or citation;
- committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license;
- has been suspended or revoked by reason of one or more of the items listed in the DWLS in the second degree offense, but was eligible to reinstate the person's driver's license or driving privilege at the time of the violation;
- has received traffic citations or notices of traffic infraction relating to intermediate driver's licenses that resulted in a suspension; or

- is not in compliance with a child support order.

At various times, the Legislature has attempted to establish avenues to avoid suspension or facilitate return of a person's license when the license is revoked for secondary reasons. In 2009, the Legislature adopted a relicensing diversion program for persons who commit DWLS 3 and whose license was suspended or revoked for failing to respond, appear, or comply with a notice of traffic infraction. In 2011, the Legislature authorized the prosecutor to direct DWLS 3 cases resulting from a traffic infraction to the prosecutor's office for consideration of filing an information or entry into a pre-charge diversion program rather than filing charges.

To reinstate a driver's license after it has been suspended or revoked, a person must clear the underlying reason for the suspension, which usually entails paying money, proving financial responsibility, and paying a reinstatement fee of \$75 for non-alcohol related suspensions, or \$150 for alcohol related suspensions.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Second Substitute): A person's driver's license may not be suspended for failure to respond to a traffic infraction notice for a moving violation, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a traffic infraction notice or citation. A person's driver's license may be suspended if the reason for the underlying suspension was failure to comply with the terms of a notice of a criminal complaint or criminal citation.

The crime of DWLS 4 is created as a traffic infraction, subject to a penalty of \$250. If the person appears in person before the court or submits by mail written proof that they have reinstated their license after being cited, the court must reduce the penalty to \$50.

A person is subject to DWLS 4 if the person drives while their license is revoked for one of the following reasons:

- the person committed an offense in another state that, if committed in this state, would not be grounds for suspension or revocation of the person's driver's license;
- the person's license has been suspended or revoked by reason of one or more of the items listed in DWLS 2, DWLS 3, or for a failure to appear at a requested hearing for a noncriminal moving violation or a failure to respond to a notice of a traffic infraction, but was eligible to reinstate the driver's license or driving privilege at the time of the violation; or
- the person has received traffic citations or notices of a traffic infraction relating to an intermediate driver's license that resulted in a suspension.

A person is guilty of DWLS 3 on the fourth violation of DWLS 4 within a four-year period.

The relicensing diversion program is renamed the relicensing program. A person who is subject to DWLS 3 or DWLS 4 may participate in the relicensing program at the discretion of the prosecuting attorney.

DOL is required to create a work group to develop low-cost, efficient options to administratively lift the driver's license suspension for persons whose license has been suspended for a failure to appear or respond to a moving violation infraction. The work group must report back to the Legislature by December 1, 2019 with recommended options.

A new account is created called the Driver's Licensing Technology Support Account within the Highway Safety Fund. The account must be used only to support information technology systems used by DOL to communicate with the judicial information system, and manage driving records and implement court orders. The bill reallocates \$4 of the \$20 legislative assessment on traffic infractions to the new account. The bill creates a new \$2 assessment on traffic infractions similar to the judicial information systems assessment and deposits it into the new driver's licensing technology support account. The bill creates a new \$1 fee on all applications for an original or renewal for driver's licenses and identicards to be deposited into the Highway Safety Fund.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

- Strikes the bill in its entirety.
- Provides that the 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.
- Modifies driving while license suspended in the third degree to require a court to dismiss the citation if a person meets certain conditions.
- Creates a new account that can only be used to support information technology systems used by DOL.
- Reallocates \$4 of the legislative assessment on traffic infractions and creates a new \$2 assessment on traffic infractions deposited into to the new account.
- Adds a \$1 fee on original and renewal driver's license applications.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony (Law & Justice): PRO: Many DWLS offenses result from low income individuals who do not have the ability to pay the money to get their license reinstated. Public safety concerns are still addressed by this bill as offenses like DUI are still a reason for license suspension and would still result in a crime if the person drives without a license.

This bill will help keep drivers licensed, insured, and out of the criminal system. When a person's license gets suspended, they still have to drive to work, pick up kids, go to the doctor. These are trips out of necessity and result in the person being charged with DWLS3.

DWLS3 was not an offense until 1993. It has dramatically increased costs to the system, which conservatively costs over \$1.3 billion. Public defender caseloads are stretched to the breaking point. We need to focus scarce resources in helping people avoid the revolving door of the criminal justice system.

This law locks people up because they do not have the means to pay for a ticket. DWLS3 is part of the larger criminal justice system that suffers from racial disproportionality. Criminality of this particular offense pushes families into poverty.

This is a pro-public safety bill and should increase the probability of people driving with a license and insurance. People have an incentive to pay any debt—whether that be a credit card bill or any other bill. Driver's license suspension should not be used as a tool for debt collection. A person is not a more dangerous driver because they have failed to pay a traffic infraction.

CON: When license suspension was invalidated as a result of *Redmond v. Moore*, collection revenue decreased by \$31 million, until the Legislature fixed the issue in HB 1854. This will have an equally significant impact on collections. What is the difference between one infraction and ten if there is no recourse for collection?

The narrative that people are on their way to work is untrue and violators do not typically get put in jail. The occupational restricted license is available, but almost no one uses it because the driver must show proof of insurance.

Drivers who get traffic infractions are more dangerous. A study in 2015 found that speeding drivers were involved in a crash every 15 minutes. A person with a suspended license is three times more likely to kill someone driving.

Other suggestions for improvement:

- Do not call the new infraction DWLS4. This is confusing for the public.
- Should escalate to DWLS 3 after two priors in ten years rather than three priors in four years.
- Infraction amount should be equal to the lowest other traffic infraction.

Persons Testifying (Law & Justice): PRO: Senator Jesse Salomon, Prime Sponsor; Mark Cooke, American Civil Liberties Union of Washington; Virla Spencer, Center for Justice; Paul Benz, Faith Action Network; John Schochet, City of Seattle; Alex Hur, Washington Defender Association.

CON: James McMahan, Washington Association Sheriffs and Police Chiefs; Kelsi Hamilton, Washington Collectors Association; Chester Baldwin, Washington Collectors Association; Tammy Sund, Aberdeen Court Administrator; Mark McClain, Pacific County Prosecutor.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on Original Bill (Transportation): *The committee recommended a different version of the bill than what was heard.* PRO: This does not affect suspensions for DUI. There is nothing in my mind to link up dangerous driving with some

unpaid tickets. We tried cracking down in Seattle by impounding people's cars and I do not think that solved the problem. The proposed substitute that has been shared, stops the bleeding so to speak, and provides a bona fide attempt at figuring out how to accomplish the reinstatement of persons whose licenses are already suspended.

We have been working to help figure out how to fund. We appreciate the work group approach to figuring out how to accomplish the reinstatement of the driver's license. This bill has been a priority for our office of a number of years. We are trying to find a fair system for dealing with driver's license suspensions under state law.

CON: *Redmond v. Moore* led to a revenue drop of 37 percent after DOL was unable to suspend driver's licenses for a short period of time. People call in every day just looking to pay the ticket that led to their suspension. If we remove the requirement that they get a license suspension for not paying, people will not pay. This is a public safety issue too, because why change your driving behavior if nothing happens to you if you do not pay. The attorney general bill in the House will help to address the issue with people who have a number of unpaid tickets. This is a bad idea. These people do not have insurance because the insurance companies are not going to stop determining your rate based on the number of tickets you get. If people do not have the money to pay for their tickets, they do not have the money to pay insurance premiums either. A study done in California found that people who drive with a suspended license are more than three times more likely to be cause a fatal crash.

From a public safety perspective, we issue tickets to people as an incentive to not drive that way anymore. We do not issue tickets because it is a revenue source. We want to ensure that there is an incentive to obey the rules of the road and to make sure that they are safe, but others that share the road with them are safe too.

Persons Testifying (Transportation): PRO: Senator Jesse Salomon, Prime Sponsor; John Schochet, City Attorney's Office, City of Seattle; Eric Gonzalez, ACLU.

CON: Kelsi Hamilton, Washington Collectors Association; Chester Baldwin, Washington Collectors Association; James McMahan, Washington Association Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying (Transportation): No one.

SUBSTITUTE SENATE BILL 5328

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Salomon, Kuderer, Hunt, Hasegawa, Palumbo, Nguyen, Saldaña, Liiias, Frockt, and Keiser)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to driver's license suspensions and revocations;
2 amending RCW 46.20.289, 46.20.291, 46.20.342, 46.63.110, and
3 2.68.040; adding a new section to chapter 46.20 RCW; adding a new
4 section to chapter 46.68 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
7 read as follows:

8 (1) The department shall suspend all driving privileges of a
9 person when the department receives notice from a court under RCW
10 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has:

11 (a) Failed to respond to a notice of traffic infraction for a
12 moving violation(~~(r)~~) when the person has received one or more other
13 traffic infractions for moving violations that remain unpaid, or when
14 the individual has not entered into a payment plan with the
15 respective court or collection agency for the unpaid citation(s) at
16 the time the determination of qualification to receive a driver's
17 license suspension occurs;

18 (b) Failed to appear at a requested hearing for a moving
19 violation(~~(r)~~);

20 (c) Violated a written promise to appear in court for a notice of
21 infraction for a moving violation(~~(r) or has~~); or

1 (d) Failed to comply with the terms of a notice of traffic
2 infraction ((, criminal complaint, or citation for a moving violation,
3 or)) when the person has received one or more other traffic
4 infractions for moving violations that remain outstanding at the time
5 the determination of qualification to receive a driver's license
6 suspension occurs.

7 (2) The department shall suspend all driving privileges of a
8 person when the department receives notice from another state under
9 Article IV of the nonresident violator compact under RCW 46.23.010 or
10 from a jurisdiction that has entered into an agreement with the
11 department under RCW 46.23.020, other than for a standing, stopping,
12 or parking violation, provided that the traffic infraction or traffic
13 offense is committed on or after July 1, 2005.

14 (3) A suspension under this section takes effect pursuant to the
15 provisions of RCW 46.20.245, and remains in effect until the
16 department has received a certificate from the court showing that the
17 case has been adjudicated, and until the person meets the
18 requirements of RCW 46.20.311.

19 (4) In the case of failure to respond to a traffic infraction
20 issued under RCW 46.55.105, the department shall suspend all driving
21 privileges until the person provides evidence from the court that all
22 penalties and restitution have been paid.

23 (5) A suspension under this section does not take effect if,
24 prior to the effective date of the suspension, the department
25 receives a certificate from the court showing that the case ((has))
26 or cases have been adjudicated.

27 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
28 read as follows:

29 The department is authorized to suspend the license of a driver
30 upon a showing by its records or other sufficient evidence that the
31 licensee:

32 (1) Has committed an offense for which mandatory revocation or
33 suspension of license is provided by law;

34 (2) Has, by reckless or unlawful operation of a motor vehicle,
35 caused or contributed to an accident resulting in death or injury to
36 any person or serious property damage;

37 (3) Has been convicted of offenses against traffic regulations
38 governing the movement of vehicles, or found to have committed
39 traffic infractions, with such frequency as to indicate a disrespect

1 for traffic laws or a disregard for the safety of other persons on
2 the highways;

3 (4) Is incompetent to drive a motor vehicle under RCW
4 46.20.031(3);

5 (5) Has failed to respond to a notice of traffic infraction(~~(τ)~~);
6 failed to appear at a requested hearing(~~(τ)~~); violated a written
7 promise to appear in court(~~(τ)~~); or (~~has~~) failed to comply with the
8 terms of a notice of traffic infraction, criminal complaint, or
9 citation, (~~as provided~~) or has failed to meet any other necessary
10 conditions listed in RCW 46.20.289(1);

11 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

12 (7) Has committed one of the prohibited practices relating to
13 drivers' licenses defined in RCW 46.20.0921; or

14 (8) Has been certified by the department of social and health
15 services as a person who is not in compliance with a child support
16 order or a residential or visitation order as provided in RCW
17 74.20A.320.

18 **Sec. 3.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
19 read as follows:

20 (1) It is unlawful for any person to drive a motor vehicle in
21 this state while that person is in a suspended or revoked status or
22 when his or her privilege to drive is suspended or revoked in this or
23 any other state. Any person who has a valid Washington driver's
24 license is not guilty of a violation of this section.

25 (a) A person found to be a habitual offender under chapter 46.65
26 RCW, who violates this section while an order of revocation issued
27 under chapter 46.65 RCW prohibiting such operation is in effect, is
28 guilty of driving while license suspended or revoked in the first
29 degree, a gross misdemeanor. Upon the first such conviction, the
30 person shall be punished by imprisonment for not less than ten days.
31 Upon the second conviction, the person shall be punished by
32 imprisonment for not less than ninety days. Upon the third or
33 subsequent conviction, the person shall be punished by imprisonment
34 for not less than one hundred eighty days. If the person is also
35 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
36 both convictions arise from the same event, the minimum sentence of
37 confinement shall be not less than ninety days. The minimum sentence
38 of confinement required shall not be suspended or deferred. A

1 conviction under this subsection does not prevent a person from
2 petitioning for reinstatement as provided by RCW 46.65.080.

3 (b) A person who violates this section while an order of
4 suspension or revocation prohibiting such operation is in effect and
5 while the person is not eligible to reinstate his or her driver's
6 license or driving privilege, other than for a suspension for the
7 reasons described in (c) of this subsection, is guilty of driving
8 while license suspended or revoked in the second degree, a gross
9 misdemeanor. For the purposes of this subsection, a person is not
10 considered to be eligible to reinstate his or her driver's license or
11 driving privilege if the person is eligible to obtain an ignition
12 interlock driver's license but did not obtain such a license. This
13 subsection applies when a person's driver's license or driving
14 privilege has been suspended or revoked by reason of:

15 (i) A conviction of a felony in the commission of which a motor
16 vehicle was used;

17 (ii) A previous conviction under this section;

18 (iii) A notice received by the department from a court or
19 diversion unit as provided by RCW 46.20.265, relating to a minor who
20 has committed, or who has entered a diversion unit concerning an
21 offense relating to alcohol, legend drugs, controlled substances, or
22 imitation controlled substances;

23 (iv) A conviction of RCW 46.20.410, relating to the violation of
24 restrictions of an occupational driver's license, a temporary
25 restricted driver's license, or an ignition interlock driver's
26 license;

27 (v) A conviction of RCW 46.20.345, relating to the operation of a
28 motor vehicle with a suspended or revoked license;

29 (vi) A conviction of RCW 46.52.020, relating to duty in case of
30 injury to or death of a person or damage to an attended vehicle;

31 (vii) A conviction of RCW 46.61.024, relating to attempting to
32 elude pursuing police vehicles;

33 (viii) A conviction of RCW 46.61.212(4), relating to reckless
34 endangerment of emergency zone workers;

35 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

36 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
37 person under the influence of intoxicating liquor or drugs;

38 (xi) A conviction of RCW 46.61.520, relating to vehicular
39 homicide;

1 (xii) A conviction of RCW 46.61.522, relating to vehicular
2 assault;

3 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
4 endangerment of roadway workers;

5 (xiv) A conviction of RCW 46.61.530, relating to racing of
6 vehicles on highways;

7 (xv) A conviction of RCW 46.61.685, relating to leaving children
8 in an unattended vehicle with motor running;

9 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
10 vehicle fuel;

11 (xvii) A conviction of RCW 46.64.048, relating to attempting,
12 aiding, abetting, coercing, and committing crimes;

13 (xviii) An administrative action taken by the department under
14 chapter 46.20 RCW;

15 (xix) A conviction of a local law, ordinance, regulation, or
16 resolution of a political subdivision of this state, the federal
17 government, or any other state, of an offense substantially similar
18 to a violation included in this subsection; or

19 (xx) A finding that a person has committed a traffic infraction
20 under RCW 46.61.526 and suspension of driving privileges pursuant to
21 RCW 46.61.526 (4) (b) or (7) (a) (ii).

22 (c) A person who violates this section when his or her driver's
23 license or driving privilege is, at the time of the violation,
24 suspended or revoked solely because:

25 (i) The person must furnish proof of satisfactory progress in a
26 required alcoholism or drug treatment program((τ));

27 (ii) The person must furnish proof of financial responsibility
28 for the future as provided by chapter 46.29 RCW((τ));

29 (iii) The person has failed to comply with the provisions of
30 chapter 46.29 RCW relating to uninsured accidents((τ));

31 (iv) The person has failed to respond to a notice of traffic
32 infraction((τ)); failed to appear at a requested hearing((τ));
33 violated a written promise to appear in court((τ)); or ((has)) failed
34 to comply with the terms of a notice of traffic infraction or
35 citation, as provided in RCW 46.20.289((τ)) (1);

36 (v) The person has committed an offense in another state that, if
37 committed in this state, would not be grounds for the suspension or
38 revocation of the person's driver's license((τ));

39 (vi) The person has been suspended or revoked by reason of one or
40 more of the items listed in (b) of this subsection, but was eligible

1 to reinstate his or her driver's license or driving privilege at the
2 time of the violation((7));

3 (vii) The person has received traffic citations or notices of
4 traffic infraction that have resulted in a suspension under RCW
5 46.20.267 relating to intermediate drivers' licenses((7)); or

6 (viii) The person has been certified by the department of social
7 and health services as a person who is not in compliance with a child
8 support order as provided in RCW 74.20A.320, or any combination of
9 (c)(i) through (viii) of this subsection, is guilty of driving while
10 license suspended or revoked in the third degree, a misdemeanor.

11 (d) If a person cited under (c)(iv) of this subsection appears in
12 person before the court or a violations bureau and provides written
13 evidence that, after the time the person was cited, he or she has
14 paid the underlying citation(s), the citation for driving with a
15 suspended or revoked license or status shall be dismissed without
16 additional penalties upon payment to the court or violations bureau
17 of an administrative fee of forty-three dollars. In lieu of personal
18 appearance, a person cited under (c)(iv) of this subsection may,
19 before the date scheduled for the person's appearance before the
20 court or violations bureau, submit by mail to the court or violations
21 bureau written evidence that, after the time the person was cited, he
22 or she has paid the underlying citation(s) that suspended his or her
23 license or entered into a payment plan with the respective court or
24 collection agency for the underlying citation(s), the citation for
25 driving with a suspended or revoked license or status shall be
26 dismissed without additional penalties upon payment to the court or
27 violations bureau of an administrative fee of forty-three dollars.

28 For the purposes of this subsection, a person is not considered
29 to be eligible to reinstate his or her driver's license or driving
30 privilege if the person is eligible to obtain an ignition interlock
31 driver's license but did not obtain such a license.

32 (2) Upon receiving a record of conviction of any person or upon
33 receiving an order by any juvenile court or any duly authorized court
34 officer of the conviction of any juvenile under this section, the
35 department shall:

36 (a) For a conviction of driving while suspended or revoked in the
37 first degree, as provided by subsection (1)(a) of this section,
38 extend the period of administrative revocation imposed under chapter
39 46.65 RCW for an additional period of one year from and after the

1 date the person would otherwise have been entitled to apply for a new
2 license or have his or her driving privilege restored; or

3 (b) For a conviction of driving while suspended or revoked in the
4 second degree, as provided by subsection (1)(b) of this section, not
5 issue a new license or restore the driving privilege for an
6 additional period of one year from and after the date the person
7 would otherwise have been entitled to apply for a new license or have
8 his or her driving privilege restored; or

9 (c) Not extend the period of suspension or revocation if the
10 conviction was under subsection (1)(c) of this section. If the
11 conviction was under subsection (1)(a) or (b) of this section and the
12 court recommends against the extension and the convicted person has
13 obtained a valid driver's license, the period of suspension or
14 revocation shall not be extended.

15 **Sec. 4.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
16 as follows:

17 (1) A person found to have committed a traffic infraction shall
18 be assessed a monetary penalty. No penalty may exceed two hundred and
19 fifty dollars for each offense unless authorized by this chapter or
20 title.

21 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
22 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
23 is five hundred dollars for each offense. No penalty assessed under
24 this subsection (2) may be reduced.

25 (3) The supreme court shall prescribe by rule a schedule of
26 monetary penalties for designated traffic infractions. This rule
27 shall also specify the conditions under which local courts may
28 exercise discretion in assessing fines and penalties for traffic
29 infractions. The legislature respectfully requests the supreme court
30 to adjust this schedule every two years for inflation.

31 (4) There shall be a penalty of twenty-five dollars for failure
32 to respond to a notice of traffic infraction except where the
33 infraction relates to parking as defined by local law, ordinance,
34 regulation, or resolution or failure to pay a monetary penalty
35 imposed pursuant to this chapter. A local legislative body may set a
36 monetary penalty not to exceed twenty-five dollars for failure to
37 respond to a notice of traffic infraction relating to parking as
38 defined by local law, ordinance, regulation, or resolution. The local

1 court, whether a municipal, police, or district court, shall impose
2 the monetary penalty set by the local legislative body.

3 (5) Monetary penalties provided for in chapter 46.70 RCW which
4 are civil in nature and penalties which may be assessed for
5 violations of chapter 46.44 RCW relating to size, weight, and load of
6 motor vehicles are not subject to the limitation on the amount of
7 monetary penalties which may be imposed pursuant to this chapter.

8 (6) Whenever a monetary penalty, fee, cost, assessment, or other
9 monetary obligation is imposed by a court under this chapter, it is
10 immediately payable and is enforceable as a civil judgment under
11 Title 6 RCW. If the court determines, in its discretion, that a
12 person is not able to pay a monetary obligation in full, and not more
13 than one year has passed since the later of July 1, 2005, or the date
14 the monetary obligation initially became due and payable, the court
15 shall enter into a payment plan with the person, unless the person
16 has previously been granted a payment plan with respect to the same
17 monetary obligation, or unless the person is in noncompliance of any
18 existing or prior payment plan, in which case the court may, at its
19 discretion, implement a payment plan. If the court has notified the
20 department that the person has failed to pay or comply and the person
21 has subsequently entered into a payment plan and made an initial
22 payment, the court shall notify the department that the infraction
23 has been adjudicated, and the department shall rescind any suspension
24 of the person's driver's license or driver's privilege based on
25 failure to respond to that infraction. "Payment plan," as used in
26 this section, means a plan that requires reasonable payments based on
27 the financial ability of the person to pay. The person may
28 voluntarily pay an amount at any time in addition to the payments
29 required under the payment plan.

30 (a) If a payment required to be made under the payment plan is
31 delinquent or the person fails to complete a community restitution
32 program on or before the time established under the payment plan,
33 unless the court determines good cause therefor and adjusts the
34 payment plan or the community restitution plan accordingly, the court
35 may refer the unpaid monetary penalty, fee, cost, assessment, or
36 other monetary obligation for civil enforcement until all monetary
37 obligations, including those imposed under subsections (3) and (4) of
38 this section, have been paid, and court authorized community
39 restitution has been completed, or until the court has entered into a
40 new time payment or community restitution agreement with the person.

1 For those infractions subject to suspension under RCW 46.20.289, the
2 court shall notify the department of the person's failure to meet the
3 conditions of the plan, and the department shall suspend the person's
4 driver's license or driving privileges when the requirements listed
5 for suspension in RCW 46.20.289 are met.

6 (b) If a person has not entered into a payment plan with the
7 court and has not paid the monetary obligation in full on or before
8 the time established for payment, the court may refer the unpaid
9 monetary penalty, fee, cost, assessment, or other monetary obligation
10 to a collections agency until all monetary obligations have been
11 paid, including those imposed under subsections (3) and (4) of this
12 section, or until the person has entered into a payment plan under
13 this section. For those infractions subject to suspension under RCW
14 46.20.289, the court shall notify the department of the person's
15 delinquency, and the department shall suspend the person's driver's
16 license or driving privileges when the requirements listed for
17 suspension in RCW 46.20.289 are met.

18 (c) If the payment plan is to be administered by the court, the
19 court may assess the person a reasonable administrative fee to be
20 wholly retained by the city or county with jurisdiction. The
21 administrative fee shall not exceed ten dollars per infraction or
22 twenty-five dollars per payment plan, whichever is less.

23 (d) Nothing in this section precludes a court from contracting
24 with outside entities to administer its payment plan system. When
25 outside entities are used for the administration of a payment plan,
26 the court may assess the person a reasonable fee for such
27 administrative services, which fee may be calculated on a periodic,
28 percentage, or other basis.

29 (e) If a court authorized community restitution program for
30 offenders is available in the jurisdiction, the court may allow
31 conversion of all or part of the monetary obligations due under this
32 section to court authorized community restitution in lieu of time
33 payments if the person is unable to make reasonable time payments.

34 (7) In addition to any other penalties imposed under this section
35 and not subject to the limitation of subsection (1) of this section,
36 a person found to have committed a traffic infraction shall be
37 assessed:

38 (a) A fee of five dollars per infraction. Under no circumstances
39 shall this fee be reduced or waived. Revenue from this fee shall be

1 forwarded to the state treasurer for deposit in the emergency medical
2 services and trauma care system trust account under RCW 70.168.040;

3 (b) A fee of ten dollars per infraction. Under no circumstances
4 shall this fee be reduced or waived. Revenue from this fee shall be
5 forwarded to the state treasurer for deposit in the Washington auto
6 theft prevention authority account; and

7 (c) A fee of two dollars per infraction. Revenue from this fee
8 shall be forwarded to the state treasurer for deposit in the
9 traumatic brain injury account established in RCW 74.31.060.

10 (8)(a) In addition to any other penalties imposed under this
11 section and not subject to the limitation of subsection (1) of this
12 section, a person found to have committed a traffic infraction other
13 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
14 penalty of twenty dollars. The court may not reduce, waive, or
15 suspend the additional penalty unless the court finds the offender to
16 be indigent. If a court authorized community restitution program for
17 offenders is available in the jurisdiction, the court shall allow
18 offenders to offset all or a part of the penalty due under this
19 subsection (8) by participation in the court authorized community
20 restitution program.

21 (b) (~~Eight~~) Ten dollars and fifty cents of the additional
22 penalty under (a) of this subsection shall be remitted to the state
23 treasurer. The remaining revenue from the additional penalty must be
24 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
25 Money remitted under this subsection to the state treasurer must be
26 deposited as follows: Six dollars and fifty cents in the state
27 general fund and four dollars in the driver licensing technology
28 support account created under section 7 of this act. The moneys
29 deposited into the driver licensing technology support account must
30 be used to support information technology systems used by the
31 department to communicate with the judicial information system,
32 manage driving records, and implement court orders. The balance of
33 the revenue received by the county or city treasurer under this
34 subsection must be deposited into the county or city current expense
35 fund. Moneys retained by the city or county under this subsection
36 shall constitute reimbursement for any liabilities under RCW
37 43.135.060.

38 (9) If a legal proceeding, such as garnishment, has commenced to
39 collect any delinquent amount owed by the person for any penalty

1 imposed by the court under this section, the court may, at its
2 discretion, enter into a payment plan.

3 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
4 hundred fifty dollars for the first violation; (b) five hundred
5 dollars for the second violation; and (c) seven hundred fifty dollars
6 for each violation thereafter.

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

9 (1) An additional one dollar fee shall be imposed on each
10 application for an original or renewal of a regular driver's license,
11 regular identicard, enhanced driver's license, or enhanced
12 identicard. The entire amount of the fee shall be used to pay for
13 processing costs for driver's license issuance and reinstatements,
14 and information technology upgrades and the ongoing costs to maintain
15 the driver's license and identicard record and issuance system.

16 (2) The department shall forward all funds accruing under this
17 section to the state treasurer who shall deposit such moneys to the
18 credit of the highway safety fund.

19 **Sec. 6.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
20 as follows:

21 (1) To support the judicial information system account provided
22 for in RCW 2.68.020, the supreme court may provide by rule for an
23 increase in fines, penalties, and assessments, and the increased
24 amount shall be forwarded to the state treasurer for deposit in the
25 account:

26 (a) Pursuant to the authority of RCW 46.63.110(~~((+2))~~) (3), the
27 sum of ten dollars to any penalty collected by a court pursuant to
28 supreme court infraction rules for courts of limited jurisdiction;

29 (b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the
30 initial sum of ten dollars to be assessed on all defendants; and

31 (c) Pursuant to RCW 46.63.110(~~((+5))~~) (6), a ten-dollar assessment
32 for each account for which a person requests a time payment schedule.

33 (2) Notwithstanding a provision of law or rule to the contrary,
34 the assessments provided for in this section may not be waived or
35 suspended and shall be immediately due and payable upon forfeiture,
36 conviction, deferral of prosecution, or request for time payment, as
37 each shall occur.

1 (3) The supreme court is requested to adjust these assessments
2 for inflation.

3 (4) In addition to any amount proscribed by rule under subsection
4 (1)(a) of this section as an assessment on traffic infractions
5 dedicated for the judicial information system, there shall be
6 assessed two dollars on each traffic infraction. The additional two
7 dollars shall be forwarded to the state treasurer for deposit in the
8 driver licensing technology support account, created under section 7
9 of this act, to be used to support information technology systems
10 used by the department of licensing to communicate with the judicial
11 information system, manage driving records, and implement court
12 orders.

13 NEW SECTION. Sec. 7. A new section is added to chapter 46.68
14 RCW to read as follows:

15 The driver licensing technology support account is created as a
16 subaccount in the highway safety fund, under RCW 46.68.060. Moneys in
17 the account may be spent only after appropriation. Expenditures from
18 the account may be used only for supporting information technology
19 systems used by the department of licensing to communicate with the
20 judicial information system, manage driving records, and implement
21 court orders.

22 NEW SECTION. Sec. 8. This act takes effect January 1, 2020.

--- END ---

Dear Senator/Representative

We are writing on behalf of the Whatcom County Incarceration Prevention Reduction Task Force (Task Force) to urge you to support House Bill 1282 and Senate Bill 5328, which reform Driving While License Suspended in the Third Degree (DWLS3).

Whatcom County established the Task Force via ordinance in 2015. In that ordinance, effectively reducing and providing alternatives to incarceration was highlighted as a main priority for the Community and this Task Force.

In 2017, Whatcom County commissioned and received a report from the Vera Institute of Justice, who are nationally known experts in criminal justice. The Vera Report identified that in 2016 there were 275 admissions to the Whatcom County jail for DWLS3 charges. The Vera Report also recommends that Whatcom County generally reduce admissions of this type. Your support to help reform how state law currently treats DWLS3 charges will help Whatcom County accomplish that goal.

We urge you to reform Washington State law regarding DWLS3 charges to better utilize scarce criminal justice resources and to reduce incarceration in our community.

Please don't hesitate to contact us if you have any questions.

Respectfully,

Stephen and Jack