

FINAL BILL REPORT

ESSB 5226

Brief Description: Concerning the suspension of licenses for traffic infractions.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall and Wilson, C.).

Senate Committee on Law & Justice
House Committee on Transportation

Background: Drivers 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) is required to suspend an individual's driver's license when it receives notice from a court the person's license should be suspended for one of a variety of reasons, including when the person:

- has caused death or injury to a person by recklessly or unlawfully operating a motor vehicle;
- is subject to suspension due to the failure to pay child support or a civil judgment related to a motor vehicle crime;
- has been convicted of a moving violation or traffic infraction with such frequency as to indicate a disregard for the safety of others; or
- has failed to pay, respond, or appear at a requested hearing for a traffic infraction for a moving violation.

When 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.

Driving While License Suspended or Revoked. If a person drives a motor vehicle in the state while their driver's license is suspended, they are 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

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misdemeanor with specified minimum penalties.

If a person drives while their driver's license is suspended or revoked due to a failure to pay, respond, or appear at a requested hearing for a traffic infraction for a moving violation, the offense is driving while license suspended (DWLS) in the third degree, a misdemeanor. The penalty for DWLS in the third degree is up to a 90-day jail sentence or a fine up to \$1,000, or both.

Summary: Traffic Infractions. Failure to pay a traffic infraction will no longer result in the suspension or revocation of a person's driver's license. The form of infraction must give a person the option to admit responsibility for the infraction, but attest that the person does not have the current ability to pay the penalty in full. The person must be informed of how to submit evidence of inability to pay and that failure to enter into a payment plan may result in collection action, including garnishment of wages or other assets.

The time period for a person to respond to a traffic infraction is increased from 15 days to 30 days from the date of the infraction.

Payment Plans. A person may request a payment plan at any time for the payment of any penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction. The court must enter into a payment plan with the individual if the person has not previously been granted a payment plan for the same monetary obligation and the court has not referred the obligation to a collection agency for enforcement. If the person does not enter into a payment plan and has not paid the monetary obligation in full, the court may refer any unpaid portion for collection 90 days from the date of the infraction.

The court may require a person who enters into a payment plan and fails to pay as agreed to appear for a hearing and provide evidence of ability to pay. Failure to appear at a hearing may result in license suspension.

Multiple Traffic Infractions. When a person has committed a traffic infraction for a moving violation on three or more occasions within a one year period, or four or more occasions in a two year period, DOL must revoke the license of the driver for a period of 60 days and provide for a one year probationary period after the suspension ends. Prior to reinstatement of the person's license, the person must complete a safe driving course as recommended by DOL. Any new traffic infraction committed during the probationary period will result in an additional 30 day suspension. DOL must send a warning letter to the driver when the driver will face suspension if committing an additional infraction. DOL may not charge a reinstatement fee at the end of the term of revocation. Multiple traffic infractions issued during or as the result of a single traffic stop, constitute one occasion.

Reinstatement of Drivers Licenses. DOL is authorized to administratively reinstate the license of a person whose license has been suspended for the failure to pay, respond, or appear at a hearing for a traffic infraction prior to the effective date of this act. No later

than 90 days after the effective date, DOL must create an online application process for eligible persons to apply for reinstatement of their driver's license and take reasonable steps to publicize the availability of relief.

Fees and Funding. 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 legislative assessment on traffic infractions is increased from \$20 to \$24 and \$4 of the assessment is allocated to the new account. A new \$2 assessment is created on traffic infractions similar to the judicial information system's assessment and it is deposited into the new driver's licensing technology support account. A new \$1 fee is created on all applications for an original or renewal for driver's licenses and identicards, to be deposited into the Highway Safety Fund.

Votes on Final Passage:

Senate	33	16	
House	80	17	(House amended)
Senate	34	14	(Senate concurred)

Effective: The bill takes effect on January 1, 2023.