
HOUSE BILL 2400

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Hunt, Hudgins, Upthegrove, Ormsby, Green, Miloscia, and Moscoso

Read first time 01/13/12. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to cost savings and efficiencies in mailing notices
2 of revocation to habitual traffic offenders; and amending RCW
3 46.65.065.

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

5 **Sec. 1.** RCW 46.65.065 and 1989 c 337 s 10 are each amended to read
6 as follows:

7 (1) Whenever a person's driving record, as maintained by the
8 department, brings him or her within the definition of an habitual
9 traffic offender, as defined in RCW 46.65.020, the department shall
10 forthwith notify the person of the revocation in writing by
11 (~~certified~~) first-class mail at his or her address of record as
12 maintained by the department. If the person is a nonresident of this
13 state, notice shall be sent to the person's last known address.
14 Notices of revocation shall inform the recipient thereof of his or her
15 right to a formal hearing and specify the steps which must be taken in
16 order to obtain a hearing. Within fifteen days after the notice has
17 been given, the person may, in writing, request a formal hearing. If
18 such a request is not made within the prescribed time the right to a

1 hearing is waived. A request for a hearing stays the effectiveness of
2 the revocation.

3 (2) Upon receipt of a request for a hearing, the department shall
4 schedule a hearing in the county in which the person making the request
5 resides, and if (~~{the}~~) the person is a nonresident of this state,
6 the hearing shall be held in Thurston county. The department shall
7 give at least ten days notice of the hearing to the person.

8 (3) The scope of the hearings provided by this section is limited
9 to the issues of whether the certified transcripts or abstracts of the
10 convictions, as maintained by the department, show that the requisite
11 number of violations have been accumulated within the prescribed period
12 of time as set forth in RCW 46.65.020 and whether the terms and
13 conditions for granting stays, as provided in RCW 46.65.060, have been
14 met.

15 (4) Upon receipt of the hearing officer's decision, an aggrieved
16 party may appeal to the superior court of the county in which he or she
17 resides, or, in the case of a nonresident of this state, in the
18 superior court of Thurston county, for review of the revocation.
19 Notice of appeal must be filed within thirty days after receipt of the
20 hearing officer's decision or the right to appeal is waived. Review by
21 the court shall be de novo and without a jury.

22 (5) The filing of a notice of appeal does not stay the effective
23 date of the revocation.

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