

# SENATE BILL REPORT

## SB 5374

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As Passed Senate, March 11, 1999

**Title:** An act relating to corrective amendments to certain drivers' licensing statutes.

**Brief Description:** Making corrective amendments to certain drivers' licensing laws.

**Sponsors:** Senators Heavey and Johnson; by request of Department of Licensing.

**Brief History:**

**Committee Activity:** Transportation: 2/4/99, 2/17/99 [DP].  
Passed Senate, 3/11/99, 45-0.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Horn, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon and Shin.

**Staff:** Kelly Simpson (786-7305)

**Background:** The Department of Licensing (DOL) currently issues paper instruction permits not containing a photograph, both for security reasons and to facilitate student participation in traffic safety education courses provided by public schools during on-site school visits. DOL currently waives \$1 of the fee charged, as past legislation has indicated that \$1 of the fee is for the photograph.

DOL currently has authority to suspend an individual's driver's license for failure to pay traffic infractions by the time required. However, the current RCW section authorizing DOL to suspend driver's licenses for failure to respond to a notice of traffic infraction lacks a reference to the statute authorizing DOL to suspend for failure to pay the traffic infraction penalty.

Recent legislation has restricted participation in a deferred prosecution program for persons arrested for alcohol-related traffic offenses to one program in a person's lifetime. However, this change was not reflected in DOL's license sanctions statute.

The current statute addressing driving while license suspended or revoked in the second degree does not reflect conviction of reckless endangerment of roadway workers, nor does it reflect convictions of offenses substantially similar to violations included in this statute (for example, out-of-state convictions).

Recent legislation made occupational driver's licenses (ODL) available for those individuals with suspended licenses due to alcohol-related traffic offenses. However, this legislation created situations where a driver's license may be suspended twice for actions arising from the same incident (once as a result of the arrest, and again if the arrest results in a criminal

conviction). The procedure for issuance of an ODL is not clear if an individual facing two license suspensions for the same incident applies for an ODL.

The statutory requirement for courts to forward abstracts of convictions for traffic offenses to DOL contains an archaic reference to certification of the abstract.

The authority to suspend and revoke driver's licenses has been delegated to DOL. However, some lower court decisions have made license suspensions or revocations a duty of the courts.

Recent legislation increased the time period for a revocation of a driver's license of an individual declared to be an habitual traffic offender from five to seven years. However, this legislation inadvertently omitted a conforming amendment to DOL statutes.

**Summary of Bill:** An amendment clarifies DOL's authority to issue non-photo instruction permits for a reduced fee.

An amendment clarifies that failure to pay traffic infractions by the time required subjects an individual to license suspension by DOL.

A conforming amendment is made to account for 1998 DUI amendments that restricted participation in a deferred prosecution program to once in a person's lifetime.

An amendment reflects that individuals driving under a suspended or revoked license due to conviction of reckless endangerment of roadway workers or conviction of an offense substantially similar to violations included in current law are guilty of driving while license suspended or revoked in the second degree.

An amendment clarifies procedures for issuance of an ODL where there has been administrative license sanctions imposed as the result of an alcohol-related traffic offense.

An amendment removes an archaic requirement that abstracts of conviction transmitted by the courts be certified.

An amendment clarifies that license suspension or revocation based on conviction for alcohol-related offenses remains the responsibility of DOL.

An amendment accounts for a change in habitual traffic offender revocation time periods made by the Legislature in 1998.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Arguable ambiguities exist in current drivers' licensing statutes. This bill is an attempt to harmonize the statutes in order to remedy those ambiguities.

**Testimony Against:** None.

**Testified:** Clark Holloway, Dept. of Licensing (pro).

**House Amendment(s):** Technical amendments were made to conform with HB 1294, recently signed into law, addressing the clean-up of certain driver's license statutes.

A motorcycle endorsement authorizes the holder to operate any size motorcycle. Motorcyclists holding a motorcycle learner's permit are allowed to drive (1) on a controlled, limited access facility and (2) without visual supervision.

The term of a Washington driver's licence is increased from four to six years. The cost of the license is increased from \$3.50 per year to \$5 per year. The net effect is to change from a four-year, \$14 driver's licence to a six-year, \$30 driver's license.