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SENATE BILL 6349

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State of Washington                      62nd Legislature                      2012 Regular Session

By Senators Fain, Eide, Litzow, Haugen, and Hill

Read first time 01/18/12. Referred to Committee on Transportation.

1            AN ACT Relating to notifications mailed to habitual traffic  
2 offenders; and amending RCW 46.65.065.

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

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

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

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

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

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

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

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