

Driver License Suspension Reform Proposals for Non-Moving Violations, 2012-19.

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Presentation Outline

- Current suspension process
- SB 6284 Reforming Washington's approach to certain non-safety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.
- Implementation requirements and challenges
- Proposed reforms, 2019

Current Driver License Suspension Law

RCW 46.20.289 Suspension for failure to respond, appear, etc.

- The Department of Licensing (DOL) suspends a license when it receives notice from a court that a driver is in noncompliance for a **moving violation**.
 - “FTA” failure to pay, appear, respond, or comply with written promise.
- DOL issues administrative suspensions for Driving Under the Influence (DUI) 46.61.502 and Physical Control 64.64.504.
- There are currently 3 degrees of Driving While License Suspended (DWLS) 46.20.342.

SB 6284 Reforming Washington's approach to certain nonsafety civil traffic infractions...

- The (2012) legislation created a civil collection process for traffic infractions. Comparable to Seattle's 2009 reforms, which eliminated law enforcement, local government and court costs for **DWLS 3** enforcement.
 - Courts administer a civil collection payment process. Applied to infractions incurred after July 1, 2005.
 - DOL suspend licenses for **moving violations**. Traffic infractions excepted. Previous language was silent.
 - Required DOL to define moving violations in rule: WAC 308-104-160.

Moving and nonmoving violations defined

WAC 308-104-160: 75 definitions of moving violations in rule with reference to the Revised Code of Washington

- "moving violation" means any violation of vehicle laws that is committed by the driver of a vehicle, **while the vehicle is moving**.
- "nonmoving violations" are considered **parking violations, equipment violations or paperwork violations** relating to insurance, registration, licensing and inspection

WAC 308-104-160 Moving violations

- (1) Driving while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502;
- (2) Physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.504;
- (3) Vehicular homicide, as defined by RCW 46.61.520;
- (4) Vehicular assault, as defined by RCW 46.61.522;
- (5) Reckless driving, as defined by RCW 46.61.500;
- (6) Racing, as defined by RCW 46.61.530;
- (7) Embracing, as defined by RCW 46.61.665;
- (8) Hit and run (injury, death, striking the body of a deceased person, or occupied vehicle), as defined by RCW 46.52.020;
- (9) Attempting to elude a police vehicle, as defined by RCW 46.61.024;
- (10) Driving while driving privilege suspended or revoked, as defined by RCW 46.20.342, 46.20.345, or 46.20.394;
- (11) Reckless endangerment of roadway workers, as defined in RCW 46.61.527;
- (12) Driver under twenty-one driving or being in physical control of a motor vehicle after consuming alcohol or marijuana, as defined in RCW 46.61.503;
- (13) Driving or in physical control of commercial motor vehicle while having alcohol in system, as defined in RCW 46.25.110;
- (14) Open container violation (driver), as defined by RCW 46.61.519 or 46.61.745;
- (15) Negligent driving in the first degree, as defined by RCW 46.61.5249;
- (16) Negligent driving in the second degree, as defined by RCW 46.61.525 or 46.61.526;
- (17) Hit and run (unattended vehicle or property), as defined by RCW 46.52.010;
- (18) Disobey road sign, as defined by RCW 46.61.050, 46.61.070, or 46.61.450;
- (19) Disobey signalman, officer, or firefighter, as defined by RCW 46.61.015, 46.61.020, 46.61.021, or 46.61.022;
- (20) Disobey school patrol, as defined by RCW 46.61.385;
- (21) Speed too fast for conditions, as defined by RCW 46.61.400;
- (22) Speed in excess of maximum limit, as defined by RCW 46.61.400 or 46.61.460;
- (23) Speeding in a school zone, as defined by RCW 46.61.440;
- (24) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;
- (25) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.183, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.212, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;

WAC 308-104-160 Moving violations

- (26) Failure to keep to the right, as defined by RCW [46.61.100](#) or [46.61.105](#);
- (27) Wrong way on a one-way street or rotary traffic island, as defined by RCW [46.61.135](#);
- (28) Improper lane change or travel, as defined by RCW [46.61.140](#);
- (29) Straddling or driving over centerline, as defined by RCW [46.61.140](#);
- (30) Driving on the wrong side of the road, as defined by RCW [46.61.150](#);
- (31) Crossing divider, as defined by RCW [46.61.150](#);
- (32) Improper entrance to or exit from freeway, as defined by RCW [46.61.155](#);
- (33) Violating restrictions on a limited access highway while driving a motor vehicle, as defined by RCW [46.61.160](#);
- (34) High occupancy vehicle lane violation, as defined by RCW [46.61.165](#);
- (35) Improper overtaking or passing, as defined by RCW [46.61.110](#), [46.61.115](#), [46.61.120](#), [46.61.125](#), [46.61.130](#), or [46.61.428](#);
- (36) Passing stopped school bus, as defined by RCW [46.61.370](#);
- (37) Passing stopped private carrier bus, as defined by RCW [46.61.375](#);
- (38) Following too closely, as defined by RCW [46.61.145](#);
- (39) Following fire apparatus, as defined by RCW [46.61.635](#);
- (40) Crossing fire hose, as defined by RCW [46.61.640](#);
- (41) Driving on sidewalk, as defined by RCW [46.61.606](#);
- (42) Driving through safety zone, as defined by RCW [46.61.260](#);
- (43) Driving with wheels off roadway, as defined by RCW [46.61.670](#);
- (44) Impeding traffic, as defined by RCW [46.61.100](#), [46.61.425](#), or [46.20.427](#);
- (45) Improper turn, as defined by RCW [46.61.290](#);
- (46) Prohibited turn, as defined by RCW [46.61.295](#);
- (47) Failure to signal or improper signal, as defined by RCW [46.61.305](#), [46.61.310](#), or [46.61.315](#);
- (48) Improper backing, as defined by RCW [46.61.605](#);
- (49) Unlawful operation of motorcycle on roadway, as defined by RCW [46.61.608](#), [46.61.612](#), or [46.61.614](#);
- (50) Reckless endangerment, as defined by RCW [9A.36.050](#);

WAC 308-104-160 Moving violations

- (51) Failure to maintain control, as defined by RCW [46.61.445](#);
- (52) Violation of license restriction(s), as defined by RCW [46.20.041](#) or [46.20.740](#);
- (53) Violation of instruction permit restrictions, as defined by RCW [46.20.055](#);
- (54) Violation of out-of-service order, as defined by RCW [46.25.090](#);
- (55) Obstructed vision or control, as defined by RCW [46.61.615](#);
- (56) Carrying persons or animals outside of vehicle, as defined by RCW [46.61.660](#);
- (57) Carrying passenger in towed vehicle, as defined by RCW [46.61.625](#);
- (58) Coasting on downgrade, as defined by RCW [46.61.630](#);
- (59) Violation of child restraint requirements, as defined by RCW [46.61.687](#);
- (60) Carrying child under the age of five years old on motorcycle, as defined by RCW [46.37.530](#);
- (61) Carrying passenger improperly on motorcycle, as defined by RCW [46.61.610](#);
- (62) No helmet, goggles, mirrors, windshield or face shield, as defined by RCW [46.37.530](#);
- (63) Operating moped on freeway or sidewalk, as defined by RCW [46.61.710](#);
- (64) Driving without lights, as defined by RCW [46.37.020](#);
- (65) Failure to dim lights, as defined by RCW [46.37.230](#);
- (66) Operating motorcycle without lights, as defined by RCW [46.37.522](#);
- (67) No lamp, reflector, or flag on extended load, as defined by RCW [46.37.140](#);
- (68) Wearing earphones or viewing television in vehicle, as defined by RCW [46.37.480](#);
- (69) Failure to secure load, as defined by RCW [46.37.490](#);
- (70) Spilling load, as defined by RCW [46.61.655](#);
- (71) Improper towing, as defined by RCW [46.44.070](#);
- (72) Using a personal electronic device while driving, as defined by RCW [46.61.672](#);
- (73) Dangerously distracted driving, as defined by RCW [46.61.673](#);
- (74) Using a hand-held mobile telephone while driving, as defined by RCW [46.61.667](#) (1)(b) (repealed by 2017 c 334 § 2); and
- (75) Texting while driving a commercial motor vehicle, as defined by RCW [46.61.668](#) (1)(b) (repealed by 2017 c 334 § 2).

Stakeholders

- WAC 308-104-160 led to the creation of 75 definitions of moving violations.
 - Administrative Office of the Courts
 - *Washington State Patrol
 - *Washington Association of Sheriffs and Police Chiefs
- *Law enforcement agencies were concerned and divided about the enforcement of moving violations. They maintained a link between moving violators and public safety. This issue was resolved in rulemaking.

Bill Amendments

- RCW 46.23.020 Nonresident Violator Compact (NRVC)
 - One of the primary amendments to the original bill:
 - (1) The Washington state department of licensing is authorized and encouraged to execute a reciprocal agreement...concerning the rendering of mutual assistance in the disposition of traffic infractions committed by persons licensed in one state or province while in the jurisdiction of the other.
 - (2) Such agreements shall provide that if a person licensed by either state or province is issued a citation by the other state or province for a moving traffic violation...his or her license shall be suspended or renewal refused by the state or province that issued the license until the home jurisdiction is notified by the issuing jurisdiction that he or she has complied with the terms of the citation.
 - Absent this change, Washington would have been in violation of the compact, which was a concern for our partners in law enforcement.

Fiscal Note

DOL estimated that there were 181,799 suspensions for Failure to Appear (FTA) in Fiscal Year 2011.

- At the end of Fiscal Year 2011, there were 37,098 non-moving violation FTA suspensions still in effect and 109,582 moving violation FTA suspensions still in effect, meaning 35,119 drivers reinstated.
- Cash receipt impact
 - FY 2011-13 \$570,225
 - FY 2013-15 \$1,955,100
- Expenditures
 - FY 11-13 \$396,549
 - FY 13-15 \$480,078

Proposed Reforms, 2019 Session

Concerning license suspensions and revocations

- HB 1282 (Eliminate FTA suspension, add a DWLS 4 and downgrade many DWLS 3, authorize DOL reinstate)

Creating a consolidated financial payment program through the Administrative Office of the Courts

- HB 1489 (Court payment plan)
- SB 5575 (Companion)

Proposed Reforms, 2019 Session cont.

Additional limitations on license suspensions and revocations

- HB 2066 (Clarify commission of a motor vehicle for felony convictions)
- SB 5695 HOV Lane penalties (passed)
 - Escalating penalties, but HOV violations not eligible for suspension

Questions?