

**Frequently Asked Questions – HB 1282 and SB 5328
Keeping Drivers Licensed and Insured –
Reform Driving While License Suspended – Third Degree (DWLS3)**

A driver who receives a ticket for a moving violation (such as speeding or rolling through a stop sign) and for various reasons does not follow through by paying the ticket or showing up in court to contest is subject to license suspension, and, if the person is later stopped while driving, may be charged with Driving While License Suspended- Third degree, or DWLS3. Hundreds of thousands of people in Washington have had their license suspended for not responding to a ticket for a moving violation. This has led to DWLS3 being the most commonly charged crime in Washington.

The problem is, treating DWLS3 as a crime doesn't work.

DWLS3 largely punishes people for being poor, not because they are scofflaws or dangerous drivers. Public safety isn't improved by DWLS3. And the criminal charge of DWLS3 disproportionately and unfairly burdens people of color, young people, rural residents, and those with limited financial resources.

For this, everyone pays a price. Taxpayers spent \$1,316,203,624 on DWLS3 enforcement between 1994 and 2015.

Why is this legislation necessary?

Tinkering with DWLS3 and license suspension policies won't fix the fundamental flaws with the current laws. While the courts and the legislature have made some improvements to DWLS3, resulting in fewer statewide charges overall, it is still used against people far too commonly.

Several states do not criminalize DWLS3 or automatically suspend drivers' licenses for not complying with a moving violation infraction. Many local jurisdictions in Washington rarely enforce the law, such as the cities of Yakima and Seattle. It was not a criminal offense in Washington state prior to 1993, when the legislature chose to make driving with a suspended license for not responding to tickets for moving violations a crime.

Isn't this being too soft on criminals? Shouldn't we make sure people are personally responsible?

DWLS3 isn't about safety, or criminal behavior. The biggest threats to roadway safety are impaired driving, speeding, and distracted driving, not unpaid tickets. Law enforcement has other tools available to deal with drivers who are actually dangerous. These tools include, criminal charges for negligent or reckless driving, DUI, or being a habitual offender.

As a practical matter, charging individuals with DWLS3 does not keep them off the roads. The National Cooperative Highway Research Program estimates that 75 percent of individuals who have their license suspended for any reason will continue to drive.

There are many reasons for this. Many people charged with DWLS3 have simply struggled to pay tickets, and associated late charges that quickly escalate, due to poverty. These people typically need to keep driving to get to work, pick up kids, attend medical appointments, etc., especially in areas with limited public transportation.

How do we make sure drivers pay fines, then? Do they have any incentive to pay if they don't lose their license?

There may be many reasons why a person would be unable to pay a fine, but one thing is clear: criminalizing nonpayment doesn't induce people to pay. Seattle's former law which impounded a person's car demonstrates this. It is difficult to imagine a heavier deterrent to the behavior of driving with a suspended license than the seizure of a person's vehicle. Nevertheless, a study by the RAND Corporation conducted in 2003 concluded that when Seattle attempted to impound the vehicles of drivers who failed to pay tickets, it did nothing to keep people from getting another DWLS offense.

Do people really go to jail for DWLS3?

Yes, although the practice varies by jurisdiction. Statewide, between 1994 and 2015 courts sentenced people to jail for 3,768,120 days for DWLS3 offenses. In 2015, courts still imposed 51,953 jail days.

Are people with suspended licenses more dangerous drivers?

No. A common justification for DWLS3 is that it's necessary to keep bad drivers off the road. But, the evidence for this is weak and often tries to treat all drivers with suspended licenses the same, for example including people who lost licenses due to DUI or reckless driving. People with license suspensions for failing to comply with a moving violation generally just don't have money to pay the ticket. Plus, we let people keep driving if they pay their tickets. If the rationale is that people who commit moving violations are more dangerous drivers, laws should be applicable to all of these people, not just those who are poor and can't afford to pay the ticket.

Would decriminalizing DWLS3 create more uninsured drivers?

No. In fact, it's just the opposite. If someone has their license suspended for failing to comply with the terms of a moving violation, they are likely to lose insurance. This legislation will help

people maintain car insurance.

What about people who already have their license suspended for not complying with a moving violation?

This legislation directs the Department of Licensing (DOL) to help people who currently have their license suspended. DOL is authorized to reinstate licenses via an administrative process and to notify drivers of how to get their license back.

Will local governments lose revenue because of this legislation?

Nothing should be a crime simply to create revenue for local governments. And this legislation should actually save taxpayers money. It costs millions of dollars to enforce DWLS3 because of police, prosecutor, public defense, court, and jail expenses. Criminal justice resources that could be used to reduce real safety risks, like impaired and distracted driving, are being wasted on a needless criminal charge that unfairly burdens communities and does little to improve public safety.