

WAC 308-104-130 Convictions—Driving records. (1) The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

(a) The payment of a fine.

(b) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.

(c) A plea of guilty by the defendant.

(d) A finding of guilt.

(2) For the purposes of maintaining the driving record, initiating a driver's license or driving privilege suspension, revocation, or denial, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one or more of the elements listed in subsection (1) is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any driver's license or driving privilege suspension, revocation, or denial if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

(3) For purposes of Title 46 RCW:

(a) The forfeiture of bail shall be considered a conviction unless the court vacates that forfeiture.

(b) The payment of a fine on a traffic violation charge shall be considered a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

(c) A plea of guilty shall be considered a conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment and there has been a perfection of notice of appeal, or the court sets aside the judgment and orders a new trial.

(d) A finding of guilt shall be considered a conviction unless the court approves a motion for a new trial or the defendant appeals the conviction to a higher court and there has been a perfection of notice of appeal.

(4) If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction, including the payment of court costs, which could only be imposed upon a determination that the defendant was guilty.

(5) A reporting error by the court that materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record.

[Statutory Authority: RCW 46.01.110. WSR 00-18-070, § 308-104-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. WSR 86-07-018 (Order DS 2), § 308-104-130, filed 3/12/86; Order MV 349, § 308-104-130, filed 1/28/76.]